THE LIBERTARIAN REVIEW
December 1978
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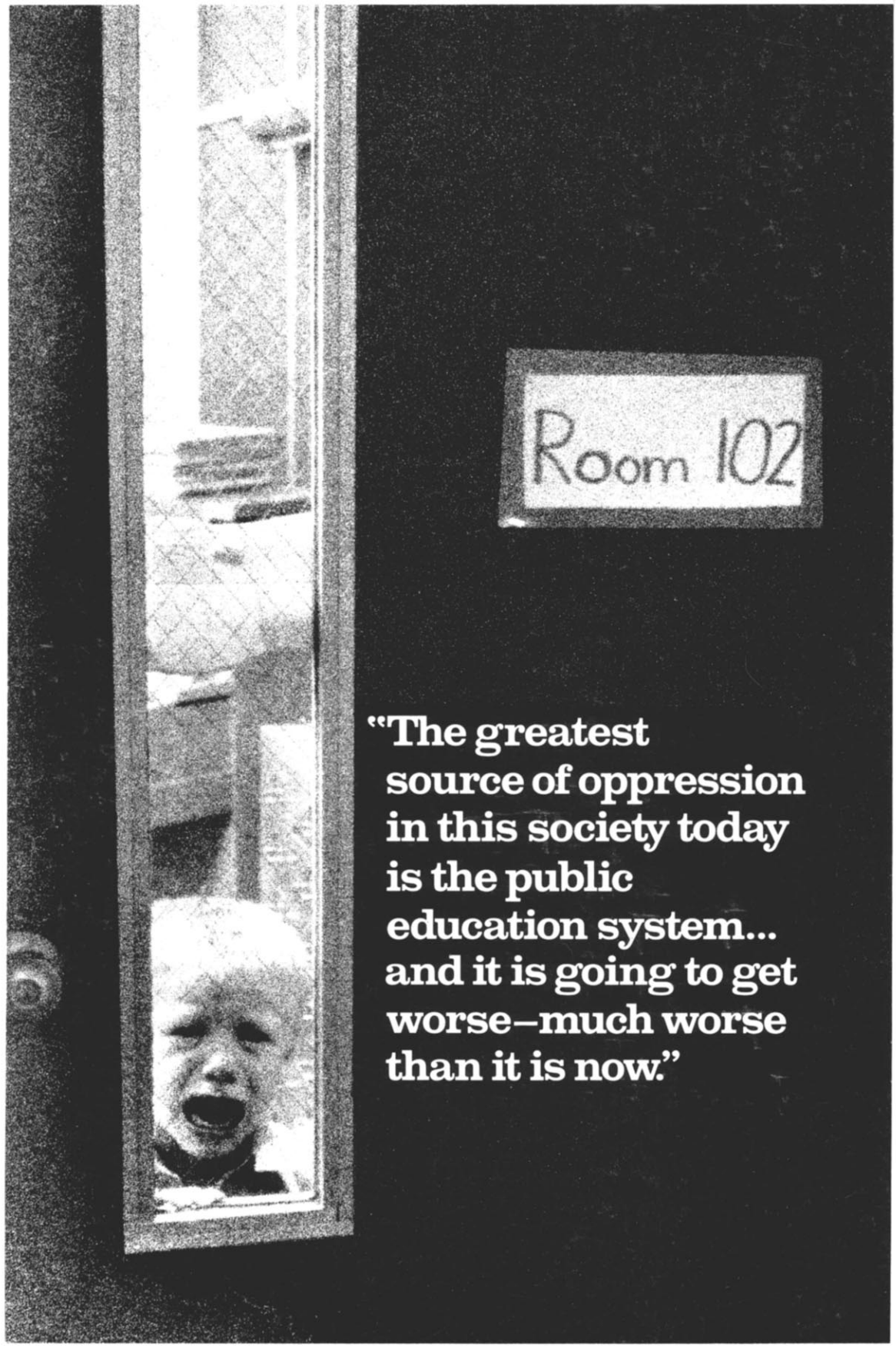
LIBERTARIAN

Sam Blumenfeld, Joel Spring, Diane Divoky, John Holt: Education in Crisis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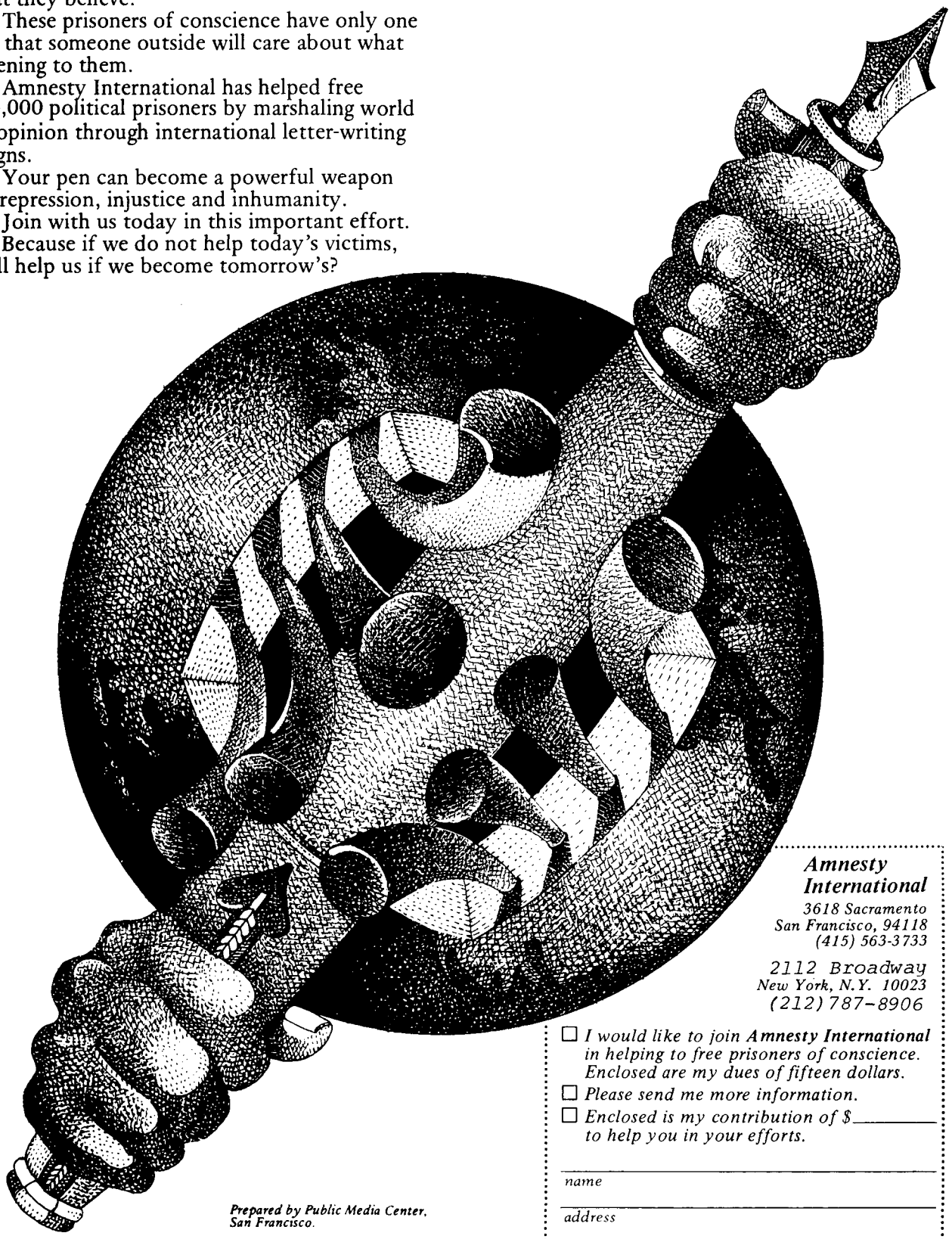

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THE LIBERTARIAN REVIEW

December 1978
Volume 7, No. 11

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THE LIBERTARIAN EDITORIALS

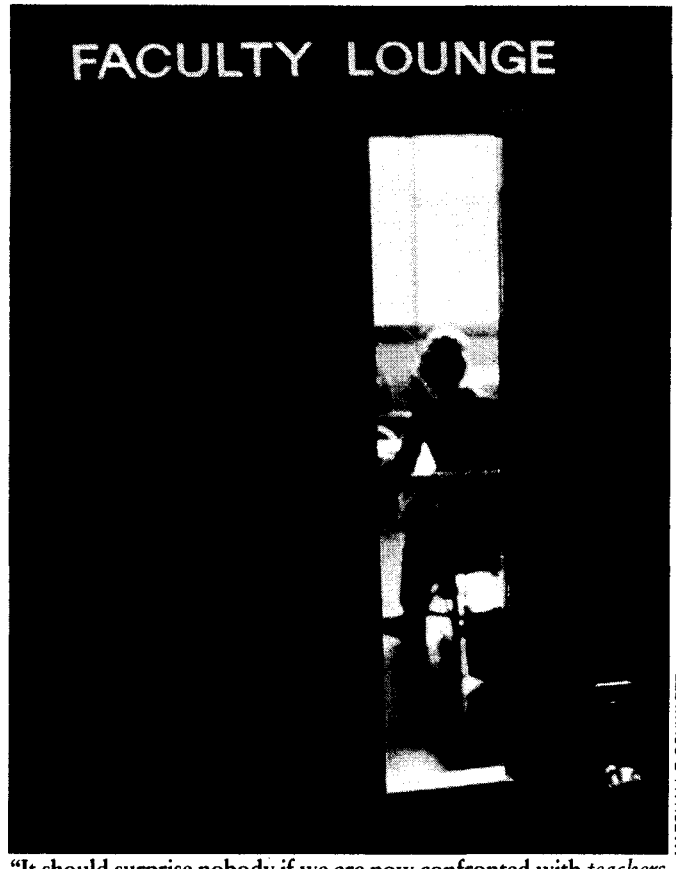
Those who can't

IT USED TO BE, only a few years ago, that if you sent your children to the public schools you could be sure they'd be wasting a lot of their time on trivia like the names and dates of all the Presidents of the United States and the dates when each of the American states was absorbed into the union, but you could also be sure—and this was the important thing—that they were learning to read and write. If they didn't learn to read and write, they wouldn't be advanced from grade to grade; they wouldn't be graduated from high school.

Today, of course, things are far different. (For a discussion of how different, and how they got that way, see this month's LR Interview with radical education critic Joel Spring, and the special LR colloquium on schooling with John Holt, Sam Blumenfeld and Jan McDaniel, pp. 22–28. And don't miss Diane Divoky's discussion of the literacy problem in her review of Paul Copperman's *The Literary Hoax,* beginning on page 39.) In the two decades since Rudolph Flesch published his then-controversial book, *Why Johnny Can't Read,* it has literally become more common for Johnny to be unable to read than for Johnny to be able to read. In Los Angeles, as of 1974, more than half the graduating high school seniors were unable to read above the third grade level. But that doesn't mean they weren't going to college. Some of them may even have been accepted at the prestigious University of California at Berkeley, which draws its freshman class each year from the top 12% of the nation's high school seniors. In the Fall of 1974, U.C. Berkeley had to provide remedial reading courses for nearly half the incoming freshmen, the graduating class of 1978.

And by the look of things, many of them still couldn't read and write when they graduated from college. One Bank of America executive recently told *U.S. News and World Report* that his company was in despair at the thought of trying to find management trainees with college educations who could spell or punctuate. Those of us who work in journalism know that the journalism school graduates of the past few years have been increasingly uneducated: historically and culturally uninformed, and, by the standards which used to be applied to the field, functionally illiterate. So really it should surprise nobody if we are now confronted with *teachers* who can't read and write.

Last summer, the nation's eighth largest city, Dallas, decided to administer the kind of competency test to its new teachers that many school districts across the country are now requiring of students before they receive high school diplomas. The test is designed to measure the applicant's skill at reading, writing, and arithmetic. More than half of the new teachers in the Dallas public schools failed the test.



MARSHALL E. SCHWARTZ

"It should surprise nobody if we are now confronted with *teachers* who can't read and write."

And the Dallas incident is far from isolated. The schools in Montgomery County, Maryland, have found it necessary to require all prospective English teachers to obtain a score of at least 80 on a test originally designed for college students. In Torrington, Connecticut, the Superintendent of Schools has found it nec-

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essary to solicit short essays by teaching applicants, in order to be sure they possess what he calls "expertise in language". Sixty miles away, in Greenwich, Connecticut, the school system has solicited assistance from Yale University, explaining that it's impossible to teach students to write intelligibly when so many teachers and administrators can't do it themselves. As George Bernard Shaw observed years ago, those who can, do; those who can't, teach. The question is why you and I are required to pour our money into the hands of these increasingly illiterate teachers, and why our children are required by law to attend their increasingly useless classes.

—JR

Joe McCarthy, junkie

THE LATE SENATOR JOseph McCarthy of Wisconsin is best remembered today for his efforts in the early 1950s to hunt down and remove all the communists he believed had infiltrated the U.S. government. In fact, although similar anticommunist crusades were also urged and led by other politicians during that time, it has become common to refer to the early 1950s as "the McCarthy era". It has also become fashionable to use the Senator's name as a descriptive term for bigots of all sorts. It was common in California before the last election, for example, to accuse those in favor of the Briggs initiative to remove homosexual teachers from the public schools of "McCarthy-style witchhunting". The accusation was entirely just, of course, and may have played a part in the resounding defeat which the initiative rightly suffered at the polls.

But now, with the December issue of *Ladies Home Journal*, comes the news that McCarthy was not only a witchhunter, he was also a witch—to be specific, a drug addict. Maxine Cheshire, the Washington gossip columnist, claims that McCarthy obtained the morphine to satisfy his habit while he was on Capitol Hill by making a special arrangement with the head man over at the Federal Bureau of Narcotics, Harry Anslinger.

This is certainly a sad bit of news. Not because it further discredits McCarthy—which it doesn't, really (and anyway that's probably impossible)—but because it shows that Harry Anslinger has not yet been discredited. It shows that while it is no longer possible to smear someone and make news by saying he's a communist, it *is* still possible to smear someone and make news by saying he's a junkie.

The conventional wisdom about heroin, of course, is that it must be prohibited because it destroys the minds and bodies of those who use it, and forces them to commit muggings, assaults, robberies, and even murders to obtain the money they need to pay for their high-priced habit. And this conventional wisdom is a pack of lies and distortions from beginning to end. The long term use of pure heroin is much less debilitating than the long term use of alcohol. Dr. Andrew Weil, the well-known Harvard University biochemist, even insists that the long term use of pure heroin is less

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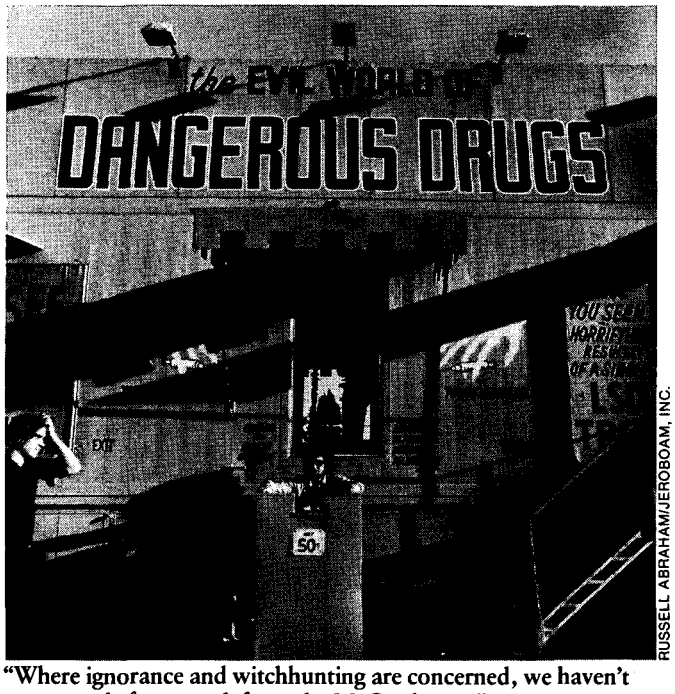
debilitating than the long term use of refined white sugar. Unfortunately, American heroin users are prevented by their government from obtaining pure heroin. They are forced to obtain their supply from black marketeers instead of from legitimate drug stores, and what they buy is not pure heroin, but a truly debilitating mixture of chemicals, which is usually only about 6% heroin—and all thanks to the drug laws which were supposedly set up to prevent destruction of minds and bodies.

Those same drug laws are the only cause of the high price of heroin. The drug may be easily manufactured and sold at a cost anyone in America could afford without committing crimes. But when its manufacture and sale are forbidden by government, when it must be smuggled into the country or clandestinely manufactured, its price on the market goes up astronomically, and addicts must turn to crime. Thus do our drug laws protect us against the criminality of the drug user.

And none of this is new. It has been known for decades to everybody who doesn't make the foolish mistake of relying on politicians, policemen and the news media for his information on the subject. It remains unknown only to the majority of people and their elected representatives in Washington. Where ignorance and witchhunting are concerned, we've come a long way since the McCarthy era. But not nearly far enough.

—JR



RUSSELL ABRAHAM/JEROBOAM, INC.

"Where ignorance and witchhunting are concerned, we haven't come nearly far enough from the McCarthy era."

A mugging well deserved

IN RECENT YEARS, American liberalism has taken quite a beating. Hangers on at ringside seats have fled for other pursuits, battlers for its cause have hung up their gloves, and the mob which once cheered its every contest has left the auditorium, filing out alternately to the left and the right. It is a sad sight. With Hubert Humphrey—the Howard Cosell of American liberalism—gone to that great boxing ring in the sky, few are left who will even feign interest in the endless rematches with old opponents which scattered adherents to that once-proud ideology want to arrange. It is as though Muhammed Ali were still at it in his eighties.

We have nothing left but an aging gaggle of featherweights, a few old bores like Arthur Schlesinger, Jr., and a couple of kvetchers like George McGovern and Walter Mondale, this last the supposed heir to Humphrey's shabby mantle. And at ringside are has-beens with one foot in the grave, barely aware of what round it is, let alone who is fighting whom. A few years ago, they would have been found at the back of the auditorium, but empty seats have allowed them to stumble forward. Now they are climbing into the ring, staggering about, throwing wild punches into the air, bawling for a rematch, not realizing that their prime has long-since passed. It is the sort of scene which makes one cringe in embarrassment.

The latest of these battling bores is Colman McCarthy, a syndicated columnist with The Washington *Post,* who let loose with a few pathetic swings in a recent "My Turn" column in *Newsweek:* "The Mugging of Liberalism" (November 27, 1978).

McCarthy began by sizing up his doddering opponent—conservatism—which he admitted is just about ready for a wheelchair. "Liberalism, we are told," he wrote bravely, "is dying. . . . It is being said and preached that voters have finally wised up to free-spending liberals who created big government by big taxes; liberals throwing money at problems have turned liberalism into a sorry problem itself." And yet, he concluded, "liberalism isn't dying. It's being mugged."

As with all attacks from the shadows and from behind, the victim has little chance for self-defense. The Washington *Star,* claiming that "voters are undoubtedly reacting against liberalism," twins that hazy statement with the other standby, that liberalism's "central dogma is that money solves problems, and the more money the better the solution."

This is a caricature which McCarthy resents bitterly, and he turns on its conservative proponents with the response, "you're another!"

The dogmatists, the evidence suggests [he is about to deliver himself of his best combination punch] are not the liberals, but the conservatives. Barry Goldwater, Carl Curtis, John Tower, John Rhodes and others on the right have been foaming big spenders. Their voting records are gaudy pompoms raised high to cheer-lead programs and bills for weapons, unexamined military schemes, useless public-works projects and Federal subsidies for failing corporations. If someone in a nervous Pentagon announces that the Russians are getting pesky, throw money at the problem by spending a few billions for more bombs or planes. If agribusiness needs more water, throw money at the problem by building a Federal dam. If an industry finds that free enterprise is a bit unpleasant, raid the Federal treasury for a corporate dole.

A point well made. And what shall we have instead? Well, consider what our weary old liberal—who mockingly calls for "a Federal program for a convoy of wheelchairs for the Goldwaters, Curtises and other rightist big spenders in their political dotage"—has to offer as counterpunches to the decrepit conservative challenger:

To rest their weary arms turned sore from all this money-throwing, conservatives sit back and attack those underfunded liberal programs that feed hungry children, educate the illiterate, clean the filthy air and water, restore neighborhoods or keep open the libraries. When citizens demand an end to government waste, [this flabby thing is supposed to be a left hook] whip them into a fever to cut back funds for people programs, while diverting their eyes from wasteful he-man programs for weapons, dams and power plants. Make America strong but leave its people weak.

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Waves of nostalgia pour over us as we witness this spectacle—nostalgia for the days when the contest in American politics was still between two proponents of different versions of bloated big government. For this (quite proper) condemnation of hypocritical, decrepit *conservatism,* you understand, is supposed to prove that the *liberals* are vigorous champions of truth and justice. But let this babbling featherweight have his chance; we'll merely comment on the action:

After recognizing [get this] the falsity of the charges that liberals are the big spenders [how? By pointing out that conservatives are too?]—most liberal-inspired social programs, from Head Start to legal services, are so underfunded as to serve less than 25 per cent of the eligible citizens [note the standard here for judging what is "underfunded"]—it is crucial to understand that the current mugging is not necessarily fatal. While laid up, liberals need to renew their strength by accepting as still robustly true [the heart quickens] Franklin Roosevelt's thought [?] in 1938 [the spotlight brightens; a voice begins to drone on in the distance]; "Government has the definite duty to use all its powers and resources to meet new social problems with new social controls."

Oh, what loathesome bilge! The rope-a-dope carried to its ludicrous extreme, without even a hint of style or humor! But we cannot stop here; let our fumbling featherweight embarass himself further:

If liberals are wavering by voting against programs for the poor and the victimized [voice over: "Get those poor and victimized lined up! Let's have more suffering on their faces! You over there! Look helpless and frightened!"], or are joining the blind [Voice: "Hey, I thought they belonged over there with the poor and the victimized"] by siding against big government without distinguishing what part of the bigness is the actual curse, then perhaps they have forgotten the tradition of [the chest begins to swell] *political compassion* and *fairness* from which they spring.

The punches now begin to fly: "To forget this tradition is to kiss off the buoyant record of liberalism, and perhaps even be ashamed of it." McCarthy even takes on Sam Brown, the noted liberal defector who, judging the "big national programs of the past," has concluded that "the liberals have been wrong."

"Dump on your own kind," McCarthy snarls,

take rank and separate yourself from footsoldier liberals [the anthem begins to swell] of the past fifteen years in Congress. . . . Denounce as wrongheaded their struggles to create [hand over heart] government programs for food stamps, housing and education, or to protect the powerless [voice: "line them up in front!"] from [our featherweight begins to flag; his memory falters momentarily, then, recalling, somewhat garbled, the familiar litany:] land abuse, price fixing, or consumer fraud.

The final rally:

When liberals put their heft together and passed a few [sniff] humane programs, the government [reverence creeps in] could at least be respected for its *instinct.* [A whine creeps in.] People were *hurting* [sniff, sniff] and the *government* [reverence growing] made a [reverence building to a *forte*] *moral commitment* to help. If these programs are now seen as failures [a hurt, petulant look] by [a touch of indignation] *upstarts* fresh off the barricades [fumbling for the familiar answer], they have failed because *too little* money backed them, not too much. [A sense of triumph; then the knockout punch:] The social programs of the '60s were *too small,* not *too big.*"

Dusting himself off, finished with the "intellectual muggers of the New Right" and the Goldwater-Curtis "Old Right", McCarthy holds his gloves high: "With these two groups brushed from underfoot," he writes, "we can move ahead to deal with inflation, waste, unemployment and rampant militarism. Perhaps we can also recapture our generous instinct."

It's a shame they can't recapture their brains instead.

Really, how long must we listen to this endless, mind-numbing recitation of bromides about "humane government", "people programs", "government's moral commitments" to "help" the "powerless"? How long must we suffer these pompous, self-righteous, swaggering old liberals who haven't learned a damned thing since grammar school? Never mind the pathetically dumb non-sequiturs which are thrown as combination punches, or the—surely meant to be facetious—quotation of F.D.R. Look at what McCarthy is naive enough to see as liberal *triumphs:* food stamps; housing; educating the illiterate; protecting the powerless from land abuse, price fixing and consumer fraud; cleaning the filthy air and water; restoring neighborhoods; keeping open the libraries; project Head Start; legal services for the poor; dealing with inflation, waste, unemployment, rampant militarism. Where has he *been* for the last century?

"If liberalism *had* been mugged by conservatism, we could do nothing but cheer. . . . As it is, witnessing this brawl between aged, doddering opponents, we can do little more than yawn."

These supposedly "humane people programs" have brought in their wake nothing but bureaucracy and regimentation, disaster and oppression. Massive amounts of money—billions upon billions of dollars—have been poured into compulsory State education, to mass produce a herd of illiterates and bring the functional literacy levels in this country *below* where they were at the end of the *last century.* Compulsory attendance at these pestholes has forced innocent children to undergo ruthless brainwashing, knocked them out of the jobs market, and prohibited them from learning useful skills. They are fed intellectual garbage at these prisons, and are prevented from learning how to achieve anything useful with their lives while being forced to learn and recite many of the same mindless bromides which Mr. McCarthy spews forth.

Food stamps have subsidized idle students at the expense of the working and middle classes, driving up the cost of food, and locking the truly indigent into an oppressive, suffocating welfare state. Urban renewal, meant allegedly to "restore neighborhoods" (how easily are nuances and facts lost in bromides), has demolished more housing than it has built and has has pushed the poor and the immigrant into what have become little more than detention camps: static, unthinking, bureaucratized structures of neither utility nor charm. Head Start and other such programs are little more than liberal window-dressing, an excuse for the oppression and indignities that the welfare state daily inflicts on the poor. Legal services for the poor benefit primarily that vicious "new class" of state-spawned lawyers feeding at the public trough, who get cash grabbed from taxpayers—poor and middle class alike—for dealing with the very bureaucracies which

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liberals have erected to control, manipulate and regulate the poor. "Keep open the libraries"? When people cannot *read,* thanks to government "education"?

As for the rest, it is truly high comedy to be told *this* about the liberal state: that is has "protected" the "powerless" from "land abuse, price fixing, and consumer fraud." *This* about the greatest of all abusers of land, the greatest pollutor and abettor of pollution—through ill-defined property rights, some of which have been, over the years, purposely twisted to subsidize "economic growth" at the expense of the rights of others! *This* about the biggest price-fixer in the U.S.—through outright controls and through the arbitrary power of regulatory commissions and agencies! *This* about the greatest consumer fraud of our epoch, the politics of liberalism, the ideology which has fostered unemployment by means of minimum wage laws, coercive union restrictions on employment, and the ravages of inflation, which causes more and more massive unemployment as it distorts the economy year after year! *This* about the very fountainhead of inflation, which has printed paper money to finance its "humane" social programs! *This* about the "national security state" with its continuous crusades to protect the world from this or that by a foreign policy of global interventionism! Such dishonesty; such naivete; such distortion; such balderdash!

If liberalism had been mugged, we could do nothing but cheer, for it would be a mugging well deserved. Instead, witnessing a grudge match between such aging opponents as liberalism and conservatism, we can do little more than yawn, shake our heads sadly, and wait for them to vacate the ring.

Colman McCarthy is right about one thing: liberalism isn't dead. It's just senile.

"The few remaining 'liberals' are featherweights with one foot in the grave, barely aware of what round it is, let alone who is fighting whom."

Mail fraud

LITTLE NOTICE HAS been paid to a tiny bit of legislation which the Republicans and Democrats have recently sneaked by the American people. According to Alan Berlow in the *Washington Post* (November 3, 1978), "An 'apple pie and motherbood' bill designed to encourage more Americans living abroad to vote, was given final approval in the closing hours of the 95th Congress with a multimillion-dollar subsidy for Democratic and Republican campaign committees tacked on.

"Attached to the bill was a provision the Congressional Budget Office estimated will cost taxpayers $2.5 million in 1979 and $4.7 million in 1980 in subsidized mail rates for Democratic and Republican national and state campaign committees."

Under the current system, you understand, Republican and Democratic campaign committees are *already* subsidized to a massive extent: instead of paying the 15¢ per letter that most hard-working Americans are faced with paying the postal monopoly for "sending" a letter, Republican and Democratic committees which qualify for the boondoggle need only pay 8.4¢. But that, apparently, was not enough for these blackguards.

Now, in what one supporter of this new bill called, naturally enough, "a bipar-

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tisan effort," so-called "qualified political committees" may send letters for a measly 2.7¢ apiece, the remainder of the cost of this filthy propaganda being paid by the hapless taxpayers! And —bear this in mind, those of you who praise this or that beast in the House or Senate —according to the *Washington Post, "no one opposed the provision on either the House or Senate floor."*

Have they no shame? Apparently it is not enough that these scoundrels violate the liberties of the American people every time they get the chance, day in and day out; now they are going to escalate their raids on the pockets of the taxpayers for the purpose of subsidizing the mailing of their own loathesome propaganda to their continued victims of abuse.

Is it too much to ask where the pawns of the New Right were during this shameless episode, the New Right that pretends to oppose "big government" and endlessly increasing taxes? Is it too much to ask where the old conservatives were who complain at every cocktail party about the abuses of the postal monopoly? Is it too much to wonder where the "progressive reformists" were who fawn on Ralph Nader and bellyache about *other* "special interest groups using government power and subsidies for their own benefit? Or those fluttering moralists who complain about *other* instances of using the mails to circulate "offensive material"? Is it these people who suddenly found themselves with a common cause, to wit, grabbing more and more tax money so that they can badger their victims with ever-more grandiose lies?

Well, if we can't get them for increasing taxes, let's get them instead on the next best thing. There is no better term for it: mail fraud, pure and simple. ❑

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OPENING SHOTS

BILL BIRMINGHAM

THE WATER AND Electric Board of Eugene, Oregon, has struck a mighty blow against the energy crisis by burning six tons of confiscated marijuana in its downtown generating plant. The grass, whose burning quality was described as "excellent", produced some 4000 kilowatt-hours of electricity, but a Board official said he doubted that "Federal drug enforcement can meet our needs."

Election Notes: Better not mess with John Kozar, the new sheriff of Douglas County, Washington. When Kozar's opponent, Joe Taylor, accused him of violating campaign laws, Taylor dropped dead on the spot. . . .

The citizens of Nome, Alaska, defeated a ballot proposition that would have banned liquor sales. It is calculated that every Nome resident over the age of 15 consumes an average of four gallons of alcohol a year, and opponents warned that if the proposition passed Nome would become a "ghost town". . . . Alaska voters also turned down a "bottle bill", a scheme to require a 10¢ deposit on every bottle and can sold in urban Alaska. Rural areas were exempted on the grounds that "most consumer goods are flown in" (according to *Business Week*). The voters concluded that urban areas should also be exempted, perhaps because the empties would have to be shipped 1433 nautical miles to Seattle. . . . And let's hear it for Mr. Robin Ficker of Maryland, a man of High Principle. After losing two Congressional races as a liberal Democrat in 1972 and as an Independent in 1976, Ficker was finally elected to the Maryland House of Delegates as a conservative Republican.

Who says the free market can't provide justice? According to *The Cash Newsletter,* an Arkansas entrepreneur sells live cockroaches to tenants who want to leave their apartments exactly as they found them.

What will happen to Egypt's army if and when "peace" comes? Mr. Martin Woollacott of the *Manchester Guardian* claims that "[its] new mission is well known to almost everybody [except, it seems, the American media]: an army of African intervention. 'They're going to be our Cuba', chuckled a Western diplomat." Indeed, Egypt had sent some aid to Zaire and Somalia (the Israelis, by the way, were backing the Ethiopian Marxists), and were heavily involved in Yemen even before the Six Day War of 1967. Military observers have also noted that the C-130 military transports Sadat bought from the US are "useless" for war against Israel but fine for moving expeditionary forces, and that Cairo's new mobile anti-aircraft missiles—French Crotales—are also well-suited for foreign intervention. (Significantly, Woollacott quotes "one military man" as saying "you could move them to Rhodesia and have them firing within a day.") Says Woollacott, "Egypt in the future, diplomats say, will provide equipment and instructors to African states threatened by communism [sic], and will 'have the capacity to send in powerful expeditionary forces, if necessary.'" That capacity, of course, will be ultimately financed by the long-suffering American taxpayer—in the name of "peace".

Shed a tear for Saudi Arabia; which, believe it or not, is running out of money. The Saudis had cut their oil production to about 7 million barrels a day in order to keep the price up (while the rest of OPEC produced at full tilt). At current prices, however, they must pump 8.5 million barrels a day to keep the government's budget balanced, and so the Saudis have been forced to tighten their belts. Estimates are that Saudi Arabia has quietly cashed in as much as $1.2 billion worth of short term investments, and King Khalid has ordered that government spending be cut by one-third. Pace Jarvis and the "meat axe approach", the Saudi Council of Ministers originally proposed a cut of only 10%.'

The National Highway Traffic Safety Administration wants all new cars to be equipped with yet another idiot light; this one to warn the driver when his tire pressure is low. Although NHTSA claims its proposal is "unlikely to be costly", the Department of Transportation's consumer office puts the cost at between $10 and $40 per car (for from 10 to 12 million new cars a year). But the NHTSA is not unmindful of costs. It is also proposing to outlaw hood ornaments—as "a cost saving measure."

Better Never Than Late Department: The Monster Milhous has always claimed that he vetoed the infamous Huston Plan—a scheme for

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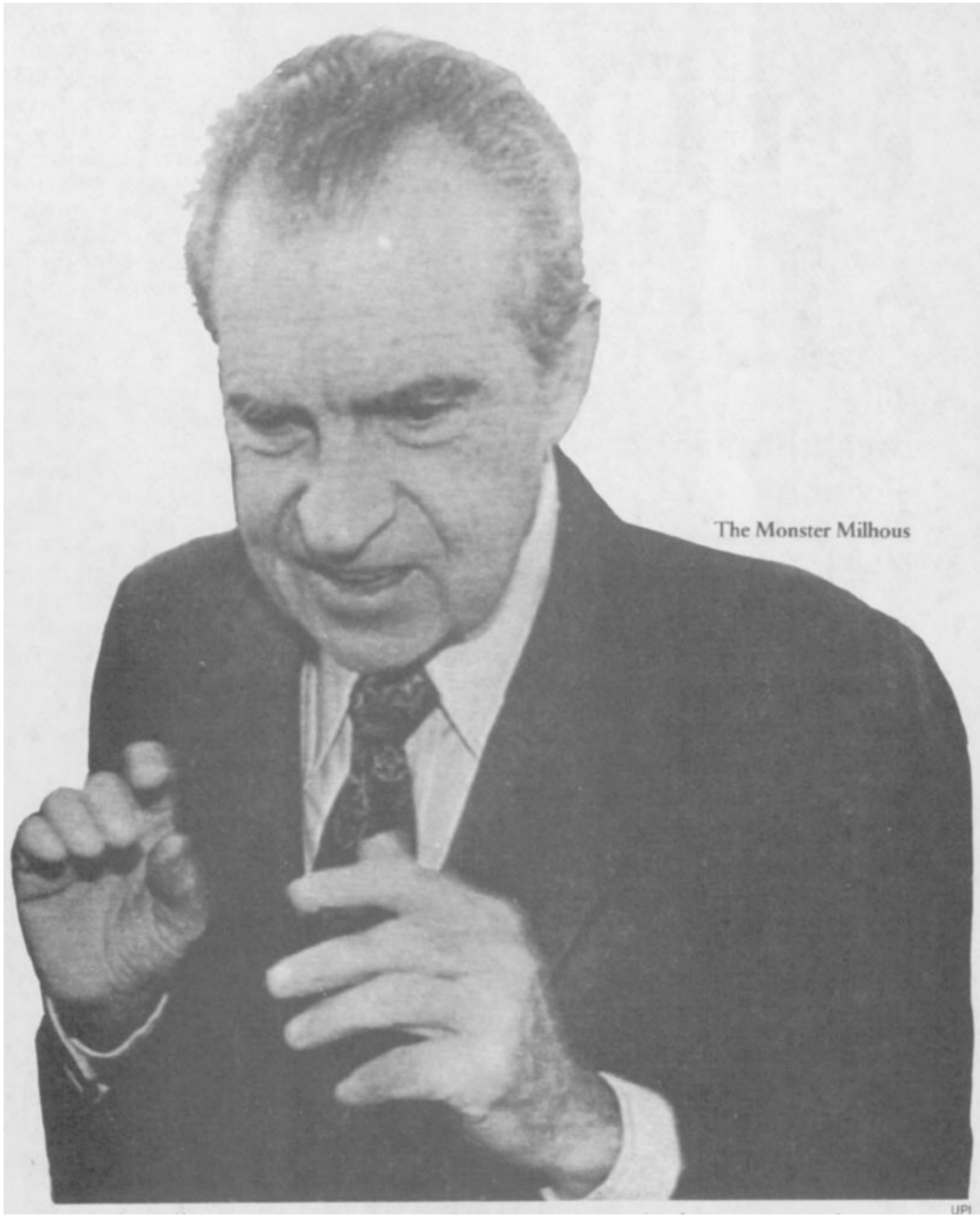
burglaries, wiretaps and mail openings to hunt down members of the Weather Underground—in July 1970. Comes now a lawyer for W. Mark Felt, the former number two man in the FBI, saying that Tricky revived "certain recommendations" of the Huston plan in mid-August 1970. This will supposedly be proven by "overwhelming evidence" at the trial of Felt, Edward S. Miller and the cretinous L. Patrick Gray, who are charged with Hustonizing the friends and relatives of suspected Weathermen. Unfortunately, it is too late to jail the Tricky One; and it is all too likely that now Gray & Co. can "pull an Eichmann" by claiming they were Just Following Orders, and beat the rap. There is an outside chance, however, that this may abort the Unindicted Co-conspirator's threatened "comeback" ("I guarantee you this is not the last of my public appearances," he said recently in Louisiana). But those who cheered the Mad Bomber as he slaughtered the Vietnamese probably won't even blink at fresh proof of his domestic fascism.


The Monster Milhous

UPI

Proposition 13 continues to produce fresh benefits. "Angry government workers," says the *San Francisco Chronicle*, "are quitting their jobs in surprising numbers." In fact, county governments in northern California are supposedly facing a "mass exodus" of public "servants" (up to 33% on a yearly basis) and "in many categories"—woe! oh woe!—"replacements are nearly impossible to find." When replacements can be found, says one county's personnel director, they are often "not all that committed. It's a helluva way to improve the quality of the place." To say nothing of what it does to "government efficiency", the *beau ideal* of some libertarians. Actually it *is* an improvement. Will Rogers was glad we didn't get all the government we paid for and California taxpayers will now get even less. For that matter, Lenin pointed out that no revolution could succeed until the ruling class (eg: our bureaucrats) had lost the will to govern. But then not all libertarians are revolutionaries.

Last month, yr hmbl srvnt told you about the heroic students of Walt Whitman High, who responded to a wave of marijuana arrests by calling for decriminalization. I am pleased to report that the radicalization of Whitman High proceeds apace; less than three weeks after the decrim resolution the *Washington Post* reported that: "A group of Walt Whitman High School Students threw stones and other objects yesterday at a squad of Montgomery County plainclothes officers who were attempting to arrest several students on marijuana possession charges." About 100 students (out of an enrollment of 1988) were at the scene. Two days earlier, the county's police chief "encountered complaints and catcalls" when he tried to justify such arrests to Whitman students. And there isn't even a Students for a Libertarian Society chapter there. . . .

And Harold Stassen, bless his pointy little head, has announced once more for the Republican presidential nomination. Asked how often he's run for president, the 71 year old Stassen paused and replied: "I've honestly lost track, I'd have to look it up." ❑

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THE PLUMB LINE

The breakthrough election

MURRAY N. ROTHBARD

FOR SEVERAL years I have been a prophet of libertarian optimism, preaching to all who would hear the good news of impending success for the libertarian cause. My predictions stemmed from an analysis of the permanent crisis of statism—across all areas of American life—which struck America during the 1973–75 period, and which has continued ever since, generating an accelerated libertarian upsurge. The reaction to my analysis has been mixed, ranging from elation to amused skepticism to the curious suggestion that optimism, for libertarians, is somehow a deeply immoral position to hold. But skepticism and disbelief was surely the modal response, from friend and foe alike.

It is therefore especially joyous for me to report that 1978 has definitely been the breakthrough year, the year in which the libertarian movement has suddenly accelerated from an interesting and permanent part of the American scene to the status of a genuine mass movement. We have arrived.

The breakthrough this year was in two parts, both —sad to say for our anti-election "purists"—at the ballot box. Phase I, of course, was the glorious victory on June 6 of California's sharply tax-cutting Proposition 13, which has generated a growing tax rebellion throughout the country. Once again, California showed itself to be the pace-setting state for the rest of the country. Prop. 13 and the tax revolt have been thoroughly covered in these pages; here I would just reiterate that the voters of California reacted, for the first time, with proper scorn against the standard left-liberal wail that any tax cuts would slash vital government services. It was that scare campaign which pushed the voters of California into massive support for Prop. 13; their reaction was a fascinating blend of "We don't believe you" and "So what?"

Now Phase II has arrived. Election Day in November was a mammoth breakthrough, for libertarianism in general and for the Libertarian Party in particular. To assess the massive dimensions of the Libertarian Party upsurge, we must realize that new parties usually do better in presidential years, when there is widespread interest generated in the election. But consider: in 1976, Roger MacBride garnered 173,000 votes in 32 states (including the District of Columbia), for 0.33% of the total vote in those states. Of the other LP candidates, the typical one received somewhere between 0.1% and 1% of the vote in his or her district.

In 1978, the Libertarian Party fielded some 200 candidates across the country. The modal percentage for each candidate in this election was about 2 to 3%, and in many cases ranged up to 5 to 7% of the total vote. A multiple leap forward in LP support!

The outstanding LP victory was in Alaska, where Dick Randolph, a 42-year old Fairbanks insurance man, won a seat in the Alaska House of Representatives as one of the six at-large representatives from his city. This is the LP's first victory in a state-level election. The city of Fairbanks presaged this victory by giving MacBride 12% of its votes two years ago, by far the largest pocket of MacBride support in the country. Randolph is state chairman of the Alaska LP, and a member of the national committee of the party. We have a state legislator!

In Arizona, a half-dozen candidates running state-wide picked up from 5 to 7% of the vote, a remarkable figure considering that these were state-wide races and that almost no money was spent on the Libertarian campaigns. In two of the races, the LP candidate achieved a balance of power status, receiving more votes than the difference between the Republican and the Democrat. In Nevada, long-time LP activist James Burns came in second in a three-way race for state legislature. Also in Nevada, Florence Fields took 6% of the vote for Lieutenant Governor, while in Hawaii Mike Rossell amassed 49,000 votes, or 22%, in his race for a seat on the State Board of Education. In Colorado, National Vice-Chair Mary Louise Hanson received over 5% of the vote for State Treasurer, and in such areas as Aspen where she campaigned particularly heavily, she received 10% of the vote. In California, National Chairman Dave Bergland gained 6% for the balance of power in a State Senate race in Orange county. And across the country, several candidates received 15 to 20% of the vote in races for state legislature or Congress: specifically, in Arizona, Idaho, Massachusetts, New Hampshire, and Maryland.

A fascinating phenomenon was reported by several of the LP candidates. Appearing in three-way TV debates with the Democratic and Republican candidates, the Libertarians found that the other two would begin the programs trying desperately to differentiate themselves from each other, but with little success. Then, as the debate continued, the Democrat and the Republican, with little to say on any issue and possessing no firm ideology, found themselves moving perceptibly in the direction of the LP candidate, who was enunciating a clear and firm position on all the issues—a position, moreover, which resonated of much of the traditional American heritage. By firmly maintaining our positions, it seems, we can start defining the issues for *all* of the candidates, and pull the other parties toward our program.

In New York, Gary Greenberg ran a heroic race for governor, running as he did for a party that has been racked with dissensions and has almost disappeared in New York City, fading from its splendid start of only five years ago. With very little

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money or support, however, Greenberg corralled almost 20,000 votes in the state, far more than the New York party has ever achieved, and far more than Jerome Tuccille achieved four years ago with considerably more money and support. In short, even in New York, the Libertarian Party did extraordinarily well at the polls.

But the jewel in the Libertarian Party crown this year, the biggest single confirmation of the case for optimism, was the race of Ed Clark for governor of the trend-setting state of California. Clark, a highly intelligent and articulate anti-trust lawyer in Los Angeles, ran a campaign which, in the slightly wondering words of the *San Francisco Examiner,* "captivated the media." His media coverage was astounding, including long and favorable articles from top newspapers in every part of the state. In debates with other parties on television, Clark's intelligence and soft-spoken, reasonable manner were able to stimulate remarkable interst in consistently radical positions. Moreover, as the campaign progressed, Clark was able to set forth both ultimate libertarian programs and intermediate demands which seemed perfectly reasonable to the media and the voters—and yet were thoroughly consistent with libertarian principle. To address concrete issues and yet not abandon principle—this is the great task of a libertarian candidate, and Clark proved himself able to accomplish that task in superb fashion.

For example: as part of his call for ever greater tax cuts, Clark answered the typical question "*where* would you cut?" by focusing on that huge but previously sacrosanct consumer of the tax dollar, the public school. Clark made it very clear that he favored, as his basic solution, the privatization of the public schools. But, short of that goal, he advocated as an intermediate demand an income tax credit of $800 for tuition to private schools. Thus, Clark endorsed the tax-cutting credit plan rather than the tax-supported school voucher scheme. But then in a highly imaginative twist, to answer the "what-about-the-poor-who-can't-send-their-children-to-private-school" argument, Clark urged the equivalent income tax credit for individuals or corporations who contribute scholarships to *other kids'* private school tuition: in short, a tax credit for tuition scholarships to private schools.

Clark's major stress in the campaign was on both economic and "social" issues: specifically drastic tax cuts, and opposition to victimless crime laws. On the latter, Clark opposed Proposition 6, which would have ousted teachers who "encourage or advocate" homosexuality in the public schools. He also called for the legalization of marijuana. When tackling the vexing question of abortion, Clark took the consistent libertarian position, which can draw votes from both sides of the controversy: that every woman has the right to have an abortion, but that taxpayers should not be forced to finance an action which they consider to be murder.

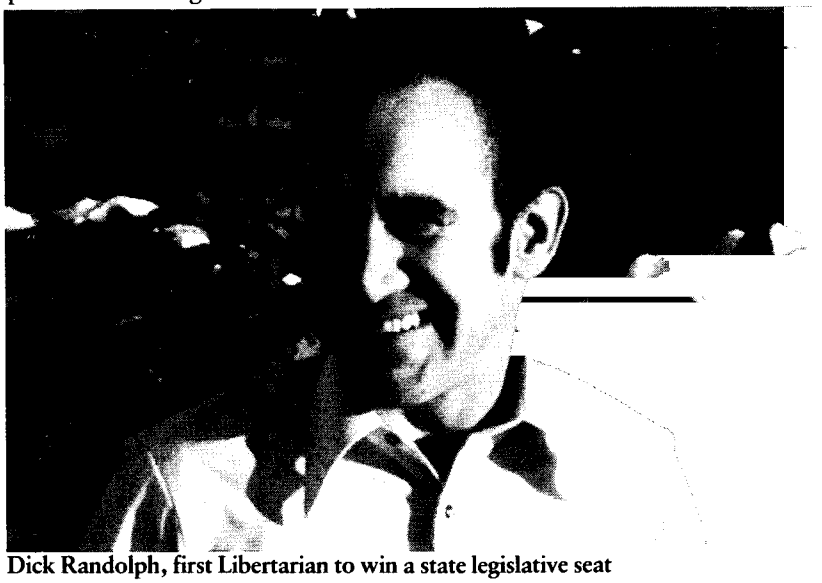
Libertarians can always outflank everyone else on the tax revolt, and, as in the case of private school tuition, we can checkmate the liberals on the "what-about-the-poor" argument as well. Thus, Clark called during his campaign for abolition of the state's hefty sales tax, which hits the poor most heavily. And as soon as the election was over he announced his sponsorship of a state ballot initiative next year to repeal the tax.

For Clark to get on the statewide ballot in California was extraordinarily difficult: he had to collect 100,000 valid petition signatures. By late summer, the Clark workers had come in with 183,000 signatures, a record number. It was the first time any candidate for governor had gotten on the ballot by petition. Still, that might have proved little, since most of the petition-gatherers, as is common in politics, were paid by the signature.

But then the Clark campaign took off, and interest began to snowball remarkably. Finally, shortly before the election, the *Bakersfield Californian,* the daily newspaper (circulation 60,000) for a metropolitan area of 200,000 Californians, endorsed Clark for Governor! A strange and wondrous phenomenon began to take place before the eyes of all of us veteran libertarians: bumperstickers on unknown cars proclaimed "Clark for Governor"; San Francisco cab drivers announced that they were voting for Clark; people at non-political cocktail parties said the same thing. Favorable interest in Clark caromed across the state. Indeed, on election day, the CBS-TV analysts picked up the *Bakersfield Californian* phrase that Clark and the Libertarian Party might well be the "wave of the future."

As the election neared, Clark began to show up in the polls: first it was 2%, then 3%. The Clark campaign had set for itself at the outset what seemed to be an almost "impossible goal": 5% of the votes. I doubt whether anyone in the campaign expected that impossible dream to be achieved.

Then the votes were tallied: Ed Clark had received the phenomenal total of 374,000 votes, more than any Libertarian candidate had ever achieved, 5.5% of the total in the nation's largest state. Even I, the prophet of optimism, had been outflanked; for I had guessed about 50% less than Clark actually received. Think of it: Clark received 7 times the California total gained by MacBride, and 5.5% of the total vote compared to MacBride's 0.7%. Looked at another way, Clark's total was no less than 15% of the votes of Republican candidate Evelle Younger, and in the San Francisco Bay Area the Clark proportion of the Younger vote totalled 25%.



Dick Randolph, first Libertarian to win a state legislative seat

Possibly it was premature when, after the 1976 election, the prestigious *Congressional Quarterly* listed the Libertarian Party as the "third major party" in the United States. Certainly it is premature no longer. We are now the third major party. We are now an authentic mass movement. We *are* the wave of the future. Libertarianism is an idea and a party whose time has come. We have arrived, and we are going to win. ❑

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LIBERTY'S HERITAGE

Will the real Herbert Spencer please stand up?

GEORGE H. SMITH

"I HAVE HAD much experience in controversy," wrote Herbert Spencer, "and . . . my impression is that in three cases out of four the alleged opinions of mine condemned by opponents, are not opinions of mine at all, but are opinions wrongly ascribed by them to me. . . . " If this was true of Spencer's contemporary critics, it is even more true of later commentators. Probably no intellectual has suffered more distortion and abuse than Spencer. He is continually condemned for things he never said—indeed, he is taken to task for things he explicitly denied. The target of academic criticism is usually the mythical Spencer rather than the real Spencer; and although some critics may derive immense satisfaction from their devastating refutations of a Spencer who never existed, these treatments hinder rather than advance the cause of knowledge.

Gertrude Himmelfarb, a leading Victorian scholar with a splenetic hostility to libertarian radicals, regards Spencer's system as "a parody of philosophy." Spencer—"the dilettante whose writing was as facile as his thinking"—was "amateurish and self-taught," his "image . . . comic and pathetic." Harry Elmer Barnes, who at least gives Spencer his due in some areas, nevertheless attributes Spencer's anti-statism to "the traits of his neurotic constitution." Spencer, writes Barnes, had "an extreme 'anti-authority complex'," and his "persistent and ever growing resentment against the extension of governmental activity probably was personally motivated by a subconscious neurotic reaction."

This pseudo-psychology is bad enough, but it is mild compared to Richard L. Schoenwald's psychoanalytic rape of Spencer in the Summer 1968 issue of *Victorian Studies*—an event that is surely the low point in the history of that otherwise reputable journal. Spencer, Schoenwald informs us, was "an adult whose development had undergone severe twisting." Specifically, "Spencer's self-esteem had been undermined hopelessly in the oral and anal stages of his development; he could commit himself only to paper, not to a woman." It seems that the infant Herbert reveled in his ability to "create" feces, and he bitterly resented the effort of his parents to curb "the anal freedom in which he had gloried." Spencer interpreted his parents' toilet-training efforts as "a fearful attack from behind," and his "once loving parents [were] now revealed as devilish obstructors of the path of glory." This, we are to believe, was the basis for Spencer's hostility to the State. Note well the marvelous explanatory power of this "theory." Why, for instance, did Spencer oppose governmental sanitation regulations? Because he "saw in sanitary reform an attack on his magical anal producing powers. . . . "

Such assertions would be comical if not for their appearance in a leading academic journal. Spencer's contemporaries at least dealt with him on the intellectual plane, criticizing those ideas they believed him to hold. To some modern academics, however, a person *intellectually* committed to uncompromising liberty and justice is inconceivable, so the psychological axe must be unsheathed.

Although Spencer is grudgingly conceded to be a major intellect of the nineteenth century, whose impact rivaled that of Darwin and Marx, he is usually treated as an historical relic who made a presumptuous and wrong-headed attempt to construct an all-embracing philosophical edifice. Spencer is commonly branded a racist, an enemy of the poor and disadvantaged, an apologist for a ruthless "law of the jungle," a conservative defender of the status quo, and so forth. The myths surrounding Spencer's name are so numerous that they cannot all be discussed in a single article. This essay is but a small step in Spencer revisionism, in which we shall consider four of the most common myths about Spencer.

Myth #1: Spencer was a "Social Darwinist."

The most serious misconception about Spencer's purported "Social Darwinism" concerns the "survival of the fittest" doctrine, which we shall discuss shortly. First, however, we must correct some common errors about Spencer's theory of evolution.

Although Spencer was a pioneer in evolutionary theory, he was not a Darwinist. He originated his theory before Darwin, and Darwin borrowed the famous phrase, "survival of the fittest," from Spencer's writing.

Moreover, Spencer was a Lamarckian rather than a Darwinian. He was firmly convinced that acquired characteristics are transmitted to later generations. Although he accepted natural selection, he viewed it as only one aspect of the evolutionary process. It was Spencer's Lamarckianism that led to his belief in the inevitability of human progress. The adaptations of one generation that enabled it to survive are transmitted to the next

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generation, thus giving it superior capabilities, and so on into future generations, until a perfect equilibrium is achieved between the environment and an organism's ability to survive.

An important point to remember about Spencer's theory of evolution is that it is primarily cosmological, not biological, in nature. For Spencer, the laws of evolution, such as the trend from homogeneity to heterogeneity, pertain to all of existence, not merely to living beings. Biology is but one manifestation of the evolutionary process.

Finally, we must note that Spencer did not believe that society is an "organism," as is often claimed. The many biological parallels affixed to his arguments about social development were intended to *illustrate* his general evolutionary principles. Spencer believed that certain parallels exist between a living entity and a society, but that these similarities pertain to underlying laws of development—laws common to all of existence. By providing biological illustrations in conjunction with his sociology, Spencer hoped to clarify the working of natural law—specifically, the law of causation.

Myth #2: Spencer championed a ruthless "survival of the fittest."

More than any other of his ideas, Spencer's "survival of the fittest" doctrine has been used as a smear against him. The recent BBC production of John Kenneth Galbraith's "Age of Uncertainty" gave us a pallid Spencer citing a passage about survival of the fittest (suitably ripped from its context to make it appear reprehensible) against a background of a jungle and wild animals. The message, in Galbraith's characteristic style, was crude and grossly inaccurate: Spencer allegedly glorified the "law of the jungle" where the strong prey on the weak.

The "survival of the fittest," as presented by Spencer, and the "survival of the fittest," as presented by Spencer's critics, bear little resemblance to each other. The traditional interpretation of Spencer on this point is so fundamentally wrong—in fact, Spencer *explicitly* repudiated it on many occasions—that one must wonder if any of Spencer's critics bother to read him.

Spencer regards the "survival of the fittest" as a law of existence applied to life. It is a formal statement of a necessary condition for the existence of life. To be "fit" is to be adapted to the conditions of survival in a given environment. This is a *description*, not an evaluation. Spencer does not say that the fit "ought" to survive, or that it is "good" that the fit survive; he says simply that the fit *do* survive, whether one likes it or not.

"Fit," in Spencer's usage, is a formal, value-free term. He emphatically denies that it implies a particular trait, such as strength or intelligence, or any degree of approval or disapproval. This doctrine "is expressible in purely-physical terms, which neither imply competition nor imply better and worse." Furthermore, writes Spencer, "survival of the fittest is not always the survival of the best.

"The law is not the survival of the 'better' or the 'stronger'. . . . It is the survival of those which are constitutionally fittest to thrive under the conditions in which they are placed; and very often that which, humanly speaking, is inferiority, causes the survival."

One necessary condition of life is the adaptation of a living entity to its external environment. The prospect of continued life for an individual or a species is proportionate to the degree to which an individual or a species can adapt to surrounding conditions. Persistent failure to adapt must ultimately lead to death or to a diseased, unhealthy state of life. To be "fit," according to Spencer, is to be adapted to the requirements of survival, whatever those requirements may be.

In a social context, the "fit" are those persons who adapt to the survival requirements of a given society. If, for instance, a society executed all redheads, then it follows that the persons best fitted for survival in such a society would be non-redheads. And the redheads who would stand the best chance of survival would be those who adapted themselves to the conditions, e.g., those who dyed their hair another color. One can state this "survival of the fittest" principle without condoning the penalty against redheads, and without regarding non-redheads as superior people. It is a simple fact: if a society kills redheads, then (all other things being equal) one has a better chance to survive—one is more "fit"—if one is not a redhead.

Similarly, in a primitive, savage society, the physically strongest or the most ruthless may have the best chance to survive. In an authoritarian society, the meek and submissive may live the longest. In a free, industrial society, honest, innovative and energetic individuals will fare best.

Of course, one's moral evaluation of a ruthless person will differ tremendously from one's evaluation of an honest person. But the fact remains that some kinds of social organization favor the survival of the ruthless, whereas other kinds favor the survival of the honest. If a society penalizes industry and rewards indolence, then one will see a decline of industrious persons while the indolent thrive. The "fittest" (in this case the indolent) will tend to survive at the expense of others. This is the meaning of Spencer's oft-quoted remark, "The ultimate result of shielding men from the effects of folly, is to fill the world with fools."

Spencer's "survival of the fittest" doctrine, therefore, refers to the need of an organism to adapt to the conditions of existence if it is to live. If this sounds

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tautological, Spencer would agree. He regards this formal, value-free law as "almost self-evident."

When Spencer applies his "survival of the fittest" principle to a free, industrial society, he reaches a conclusion radically different from the one usually foisted upon him by his opponents. True, the sacrifice of one individual for the benefit of another is the general rule for lower life forms. And it is equally true of the lower forms of human society—militant, authoritarian societies (which Spencer calls regimes of status). But with the evolution of peaceful societies—in which voluntary contract and the division of labor replace coercion and the regime of status—there also develops a harmony of interests, through Adam Smith's famous "invisible hand" process.

In a free society, each person is free to pursue his own interests as he sees fit, provided he respects the equal liberty of others. Cooperation replaces exploitation, and the "fittest" survive, not by exploiting others, but by assisting others through the mechanism of a market economy. One "survives" here by providing others in society with desired goods and services (unless, of course, one wishes to live as a hermit). By pursuing one's own ends, and by observing the principle of justice, one unintentionally benefits others.

Here as elsewhere the "survival of the fittest" is an iron law, but it is clear that the "law of the jungle" image conjured up by Spencer's opponents is far removed from his actual conception. On the contrary, it is precisely in a free society that the "law of the jungle" does *not* apply, because only in a free society is cooperation rather than exploitation the standard of "fitness."

But what of the poor, disabled, and disadvantaged? Was not the grim Spencer an implacable foe of altruistic aid to others? Did he not prefer to see them die off to make room for the "fit"?

This common distortion of Spencer is perhaps the most vicious and inexcusable. The last 100 pages of *The Principles of Ethics* are devoted to the subject of "Positive Beneficence," the phenomenon in the highest form of society of "spontaneous efforts to further the welfare of others."

Herbert Spencer: at 46

Spencer opposed coercive, state-enforced charity, but he favored charity that is voluntarily bestowed. As a matter of justice, one cannot be forced to help others; but as a matter of ethics, one may be obliged to help others. Spencer viewed his system as "more humane" than those which involve State interference, because under State charity many industrious men are "compelled to pay rates and starve their children, that the idle might not be hungry."

Spencer was amazed that his views brought on him "condemnation as an enemy of the poor." In one essay, for instance, he pointed out that it was becoming more common for the rich to contribute in time and money to the "material and mental progress of the masses." This he commended was "the latest and most hopeful fact in human history"; it was a "new and better chivalry," and it "promised to evolve a higher standard of honor" through the eradication of sundry evils.

This scarcely fits the picture of Spencer devoid of humanitarian concern who anxiously awaited elimination of the poor. But one must read Spencer's extensive treatment of this subject to appreciate fully the flagrant lies perpetrated by his critics. That he was grievously offended and hurt by such lies is dramatically illustrated by the fact that he broke off a close friendship of some forty years with Thomas Henry Huxley when Huxley wrote that, according to the Spencerian individualists, a poor man should be left to starve because charity interferes "with the survival of the fittest." In reply to Huxley's accusations of "reasoned savagery," Spencer pointed out that "for nearly fifty years I have contended that the pains attendant on the struggle for existence may fitly be qualified by the aid which private sympathy prompts." So inexcusable did Spencer consider Huxley's misrepresentation that, even after Huxley's apology, it took several years for the breach to heal.

Myth #3: Spencer was a conservative apologist for the "capitalist class" and the status quo.

To deal with this myth adequately would require a lengthy essay dealing with many different facets of Spencer's philosophy. Here we can only highlight a few major points.

Spencer, even in later life, was never a conservative defender of the status quo, nor was he so viewed by many of his contemporaries. Consider, for example, the anarchist Kropotkin's remark that Spencer has "profound ideas about the role and importance of the State; here Spencer is a con-

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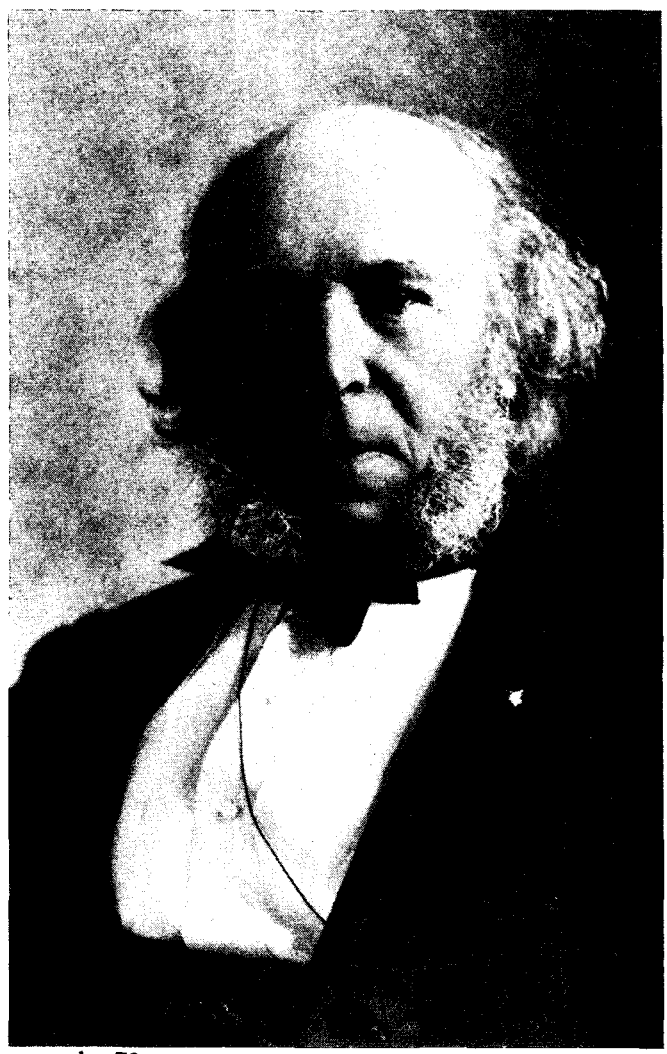
tinuator of Godwin, the first advocate of . . . anarchism." One must also remember Spencer's radical legacy, typified in England by Auberon Herbert (a radical individualist who championed "voluntary taxation"), and in America by Victor Yarros, co-editor for two years of Benjamin Tucker's *Liberty*—the great individualist-anarchist periodical. (In fact, Spencer's influence on the American anarchist movement was profound, especially in regard to his "law of equal freedom.")

One simply cannot understand the mind of Herbert Spencer unless one understands that the predominant concern throughout his intellectual life was the principle of *justice*. From his twelve articles on "The Proper Sphere of Government" that appeared in Edward Miall's *The Nonconformist* in 1842 (when Spencer was twenty-two), until his death in 1903, justice and its foundation in natural law were the threads that held together the complex fabric of his philosophy. Although he was inconsistent at times, Spencer applied the principle of justice with remarkable integrity and courage, without regard to whom he might offend or alienate.

Those socialists who see Spencer as a lackey for the capitalists will read with considerable discomfort his essay on "The Morals of Trade." Here Spencer bitterly attacks the corruption of English trade and commerce which, he argues, is permeated with fraud, misrepresentation, and cheating. He calls the commerce of his day "commercial cannibalism," where the law of survival is "cheat or be cheated." What was the basic cause of this corruption? Note well the response of this alleged defender of the "robber-barons": "The great inciter of these trading malpractices is, intense desire for wealth. And if we ask—why this intense desire? The reply is—it results from the indiscriminate respect paid to wealth." The "blind admiration which society gives to mere wealth, and the display of wealth, is the chief source of these multitudinous immoralities."



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If he thought "this gigantic system of dishonesty" was bad in England, Spencer had even harsher words about some aspects of commerce in the United States. The Americans are worse than the English in their "worship of the 'almighty dollar'," and this "vicious sentiment" calls for "vigorous protest against adoration of mere success."

Of course, Spencer had no objection to "wealth rightly acquired;" it was his passion for justice which prompted his ruthless denunciation of the injustices committed by the "capitalist class" of his day. Justice is justice, and it applies with equal force to every individual, regardless of class distinctions.

If justice is no respecter of class, neither is it a respecter of country. Spencer's consistent regard for justice is further illustrated by his intransigent opposition to militarism and British imperialism (with the unfortunate exception of Irish Home Rule). He despaired of the regimentation that "is another aspect of that general retrogression shown in growing imperialism and accompanying re-barbarization," and he opined that the increased militarism "is carrying us back to medievalism."

Spencer was among the few intellectual leaders to condemn Britain's role in the Boer War—a war that was quite popular among the rank and file. In his magnificent article on "Patriotism," Spencer lambastes the motive of patriotism, which he calls a "sentiment . . . of the lowest." "To me the cry—'Our country, right or wrong!'—seems detestable." When Spencer was confronted with the charge that he dishonored the British soldiers who were dying for their country, he gave a reply that rivals in terseness and clarity any argument of modern opponents of the Vietnam War: "When men hire themselves out to shoot other men to order, asking nothing about the justice of their cause, I don't care if they are shot themselves."

Spencer's opposition to war and militarism was in the grand tradition of British libertarian thought, as exemplified by Richard Cobden, Henry Thomas Buckle, and John Bright. Unfortunately, many libertarians of today fail to grasp the profound radicalism of the libertarian principle of nonaggression, but the implications were clear to our predecessors of a century past. Justice, not "national interest," was to be the guiding light in foreign affairs.

Myth #4: In later life Spencer abandoned his defense of pure liberty.

This, properly speaking, is not so much a myth as a bundle of partial truths. Spencer was less consistent in later life, but many aspects of his mature theory are significant improvements on his earlier writing. Spencer's views changed in several ways, some for the worse and

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some for the better. But it is flatly incorrect to hold that he abandoned a natural rights defense of liberty, and it is equally incorrect, though common, to blame his later weak spots on his sociology.

In his first and most famous political work, *Social Statics*, the young Spencer, coming as he did from a tradition of Protestant dissent, placed his defense of natural rights on an essentially theological foundation. "God wills man's happiness," he wrote, and "God intends he should have that liberty" essential to the pursuit of happiness. But Spencer became dissatisfied with this *deus ex machina*, especially as his agnosticism solidified in his later years, and he set out to provide a solid ethical underpinning for the doctrine of rights and the law of equal freedom. Indeed, to place ethics on a scientific footing was Spencer's "ultimate purpose, lying behind all proximate purposes" in writing his formidable ten-volume Synthetic Philosophy. And the defense of rights he presented in *The Principles of Ethics*, with its remarkable integration of cosmology, biology, psychology, sociology, and ethics, far surpasses the treatment in *Social Statics*. It is unquestionably the most ambitious defense of liberty and rights ever attempted by a libertarian theorist.

Hence Spencer did not abandon natural rights for sociology; instead, his sociology was one facet of the naturalistic foundation from which he constructed a theory and justification of rights. Contrary to popular opinion, Spencer's sociology did not corrupt his dedication to liberty, but rather strengthened it philosophically. One need only consult his magnificent discussion of the "militant" and "industrial" forms of social organization in *The Principles of Sociology* to verify the truth of this claim.

Nevertheless, Spencer did adopt several anti-libertarian positions in his later writing, such as his defense of military conscription if it became necessary to fight a defensive war. And there is the irksome omission of "The Right to Ignore the State" from later editions of *Social Statics*. To what can we attribute these and other curious regressions in Spencer's thought?

Spencer's basic problem was in his ethical theory. He was unable to derive a consistent theory whereby abstract ethical principles could be applied to concrete situations without vitiating those very principles in the process. This conflict was evident in *Social Statics*, and it became progressively severe in his later writing. The ethical code elaborated in *Social Statics* was said by Spencer to apply only to the "perfect" or "straight" man—i.e., to man at the highest stage of evolution, which Spencer believed to be inevitable. But since "perfect" individuals do not yet exist, Spencer was faced with the sticky problem of how imperfect humans were to employ a moral code that did not apply to them. (Admirers of "The Right to Ignore the State" often overlook Spencer's remark at the end of the chapter that the ideas presented there will not apply for a long time to come.)

This dichotomy in Spencer's ethics was later transformed into a full-blown theory of "absolute" versus "relative" ethics. The maxims of absolute ethics—where no coercion whatever was permitted—applied only to a perfectly evolved and permanently peaceful society. During the transition, however, when coercion and barbarism were still present, it was often necessary to forego an absolutely right course of action in favor of an alternative that is "least wrong." Thus does Spencer slip in taxation and conscription—such coercive actions, while not absolutely right, are the least wrong in an imperfect society.

"Spencer actually became more radical as he aged. He eventually came to see that political change is meaningless without a corresponding social change—a change in the attitudes and habits of persons in society."

This confusion in Spencer's ethical theory was an unmitigated disaster, but it is important to realize that this confusion was with Spencer from the beginning and that it only worsened with time. It had nothing to do with his sociology. In short, the early Spencer was not as "pure" as some libertarians think, nor was the later Spencer as "impure" as they sometimes claim.

Finally, we should mention Spencer's disillusionment and pessimism in later years. These were partially spawned by a more realistic judgment concerning the mechanism of social change. Spencer attributed his "juvenile radicalism" to the belief that it was necessary only "to establish a form of government theoretically more equitable, to remedy the evils under which society suffered." Later he concluded that a change of government is in itself superficial and will invariably result in "replacing the old class-legislation by a new class-legislation." Political change is thus meaningless without a corresponding social change—i.e., a change in the attitudes and habits of persons in a society. Hence, "governmental arrangements can be of use "only in so far as they express the transformed nature of citizens."

In this respect Spencer became more radical as he aged. He became convinced that those who fight for liberty by political means are essentially wasting their time. He turned down a request to run for Parliament because "far too high an estimate" was made of the influence of politicians, and he "should not gain influence, but rather lose influence" by running for office.

Thus we leave Herbert Spencer, brilliant and cantankerous to the end. If there is any intellectual justice in the world, Spencer deserves a place among the intellectual giants. Libertarians would do well to take a closer look at this phenomenal mind in their midst, and a necessary first step in placing Spencer in critical perspective is to revive his works and to read them first-hand. With a few exceptions, secondary accounts of Spencer should be avoided like the plague. ❑

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THE MOVEMENT

MILTON MUELLER

WHILE THE LIBertarian Party and the libertarian movement are not identical, the vote totals and news clippings coming out of the November 7 elections show that the performance of the Party has unquestionably emerged as the most important factor defining the direction of the movement as a whole. Skeptics of the Party must understand that it is here to stay. Party stalwarts must understand that its growth will no longer be gradual and incremental; rather, the LP is rapidly reaching the point where it must go through one of several possible metamorphoses.

First, the facts: In a non-presidential year, the LP fielded nearly 200 candidates, thirty-two for federal office and thirty for statewide office. Compared to 1976, this upsurge of activity is impressive. Still, the best news is yet to come: Dick Randolph was elected to the Alaska Legislature after a campaign that advocated turning over federal lands to private homesteading, and in California, LP gubernatorial candidate Ed Clark amassed 374,000 votes, or an impressive 5.5% of the total. The LP won ballot status for 1980 in Nevada and Hawaii, and retained its status in Alabama, North Carolina, South Carolina, and Idaho. Most portentous of all, vote totals increased everywhere —there was literally no backsliding at all. Even state LPs without the money and organization of the Clark and Randolph campaigns quietly doubled and tripled their 1976 vote totals. (For more detailed election results, see Murray Rothbard's "The Plumb Line" in this issue.)

The two "biggies"—the Randolph and Clark campaigns—are very interesting to contrast. Together, they offer two different models for developing the movement through the Libertarian Party.

The direction symbolized by the development of the Alaska Party is to run many libertarians in local elections —for County offices, State Legislature, etc. These elections may be "winnable", and in states where libertarians do not win they often get hefty shares of the vote—anywhere from 10 to 25 per cent. Nevada, for example, ran local candidates for offices such as State Assembly (14.6%), State Senate (23.2%), and County Recorder (12.4%). The widespread participation of the Arizona LP prompted the State Chair of the Arizona Democratic Party to state publicly: "Republican and Democratic strategists alike are concerned about the effect, the impact, that Libertarian Party candidates will have upon the outcome of the legislative races this fall." Arizona, too, ran a total of 40 candidates who together polled 4% of the total vote cast in *all* races.

What we see here is the Libertarian Party truly attaining third party status on a local level. In states such as Alaska, Hawaii, Nevada, Idaho and Arizona, an organizational infrastructure is being developed that, if it continues to grow apace, will make the Libertarian Party into a "real" political party comparable in size and structure to the other two.

An alternative method of developing the movement through the LP was pioneered—just as successfully—by the Clark for governor campaign in California. Their strategy was to choose an important statewide race that, while clearly not winnable, provided an opportunity to raise the banner of libertarianism in the state that had just passed Proposition 13. The state's libertarian resources were concentrated into this one major campaign (I know of only three other races for local office in the entire state of California, and only one got a higher percentage—barely—than the Clark campaign). The campaign offered a credible, knowledgeable candidate and attacked a balanced mixture of libertarian issues. The campaign was able to run full-page ads in major newspapers, buy radio advertising in important urban markets, and purchase a half-hour of television time in the major media centers the day before the election. The results were astounding. Clark's 374,000 votes were twice what Roger MacBride received *nationwide* in 1976.

In fact, Clark's achievement in California is comparable in effect, if not superior, to actually winning a smaller local office. The campaign achieved widespread name recognition for libertarianism. The public now has a balanced understanding of what the name means: Clark's judicious mixture of stands on taxes, marijuana, busing and gay rights made it clear that lib-

COMING NEXT MONTH

Roy A. Childs, Jr. and David Hart on "Playing the China Card"
Eric Mack on Auberon Herbert
Walter Block on Baby Selling

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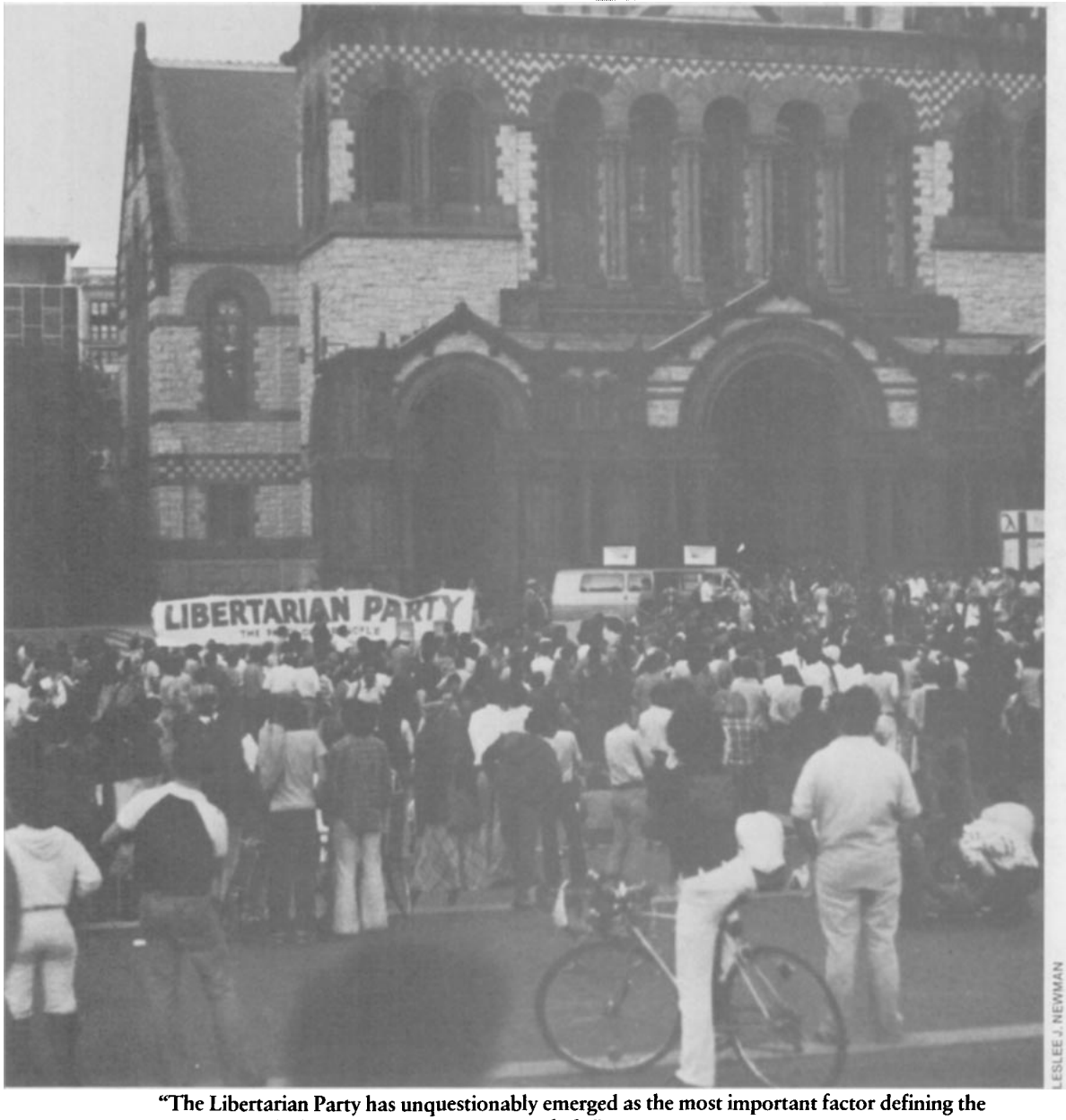
ertarianism stands consistently against government power. Finally, Clark—more than any other LP candidate I have seen—earned the attention and respect of the media. Several impressed newspeople wrote of libertarianism as the wave of the future, and one major newspaper endorsed him. In sum, the campaign was a shot-in-the-arm to all movement activities in the state, whether electoral or not.

Thus, the amazing growth of the LP shows two basic means of development: issue-oriented campaigns for high office, which attract attention and build up pressure on the political establishment even when winning is not possible, and grass-roots campaigns for local offices that strive to get votes and get elected.

The prospect of getting elected is not nearly as sanguine as most LP people think it is. As Chris Hocker wrote recently in the *LP News*, if we start winning elections "there will be a whole new crop of problems to deal with: repressive election laws, political wheeling-and-dealing, attempts at co-optation by other parties.... In many respects it will become more difficult for us once we break into the 'Win' column." But there are deeper problems. Put bluntly, I have not talked to a single libertarian who has any idea what to do after he's elected. Dick Randolph, I understand, may refuse to accept his salary, but outside of this heroic but not terribly potent gesture, it is unknown how isolated Libertarians will fare in the dark world of lobbying, logrolling, and selling-out called politics. Will Libertarian elected officials be ineffectual nay-sayers who get thrown out of office for accomplishing nothing? Will elected Libertarians be a revolutionary force, using their office to foment public outrage at the government—or will their position seduce them into trying to make sure government is "run properly"?



LESLEE J. NEWMAN

"The Libertarian Party has unquestionably emerged as the most important factor defining the direction of the libertarian movement as a whole."

These are important questions for the Party and other libertarians to consider. I never thought that we would have to consider them so soon. Several years ago, debate centered on whether the formation of a political party was a viable way to build the movement. That debate, obviously, is closed. The Party has proven to be the most effective device yet for advancing libertarianism. Non-political think tanks, study groups and student organizations have flourished in the wake of Party successes. Now we must look beyond this old debate and confront the fact that in 5 or 10 years Libertarians could hold a number of elective offices around the country. How will Libertarians handle political power? How will it handle them?

Should the Party fearlessly build a Party bureaucracy and seek to elect as many of its own people as possible? This path is fraught with the dangers of the corruption of power and the bias of the electoral process toward statism. Or, is the Party a strategic device meant to galvanize public opinion and draw people into the movement—designed to influence power but not to hold it directly? This path, too, has its pitfalls: there is the danger of falling into the irrelevance of the Socialist fringe parties. After awhile, people stop voting for candidates who don't win. This alternative also raises the danger of leaving political power to devils because angels won't tread there.

My presentation of this question is intended to open discussion of a neglected topic. A couple of issues into the future, *The Movement* will devote itself to a special discussion of the problem of elected libertarians and the strategies they should adopt. The opinions and comments of all readers are encouraged. ❑

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THE PUBLIC TROUGH

The battle over SALT

BRUCE BARTLETT

A RECENT HEADline in the *Washington Post* announced that the "SALT Battle Apparently Has Started." The gist of the story was that a CIA analyst named David Sullivan had been fired for giving a secret document to Richard Perle, defense advisor to Senator Henry Jackson, a notorious hardliner on defense. Sullivan, it seems, had written an analysis of the strategic arms limitation talks which argued that "the Soviets have used the SALT negotiating process as a smokescreen behind which to conceal their increasing strategic superiority from a complacent U.S." He feared that his report would be suppressed so he gave it to Perle even though it was classified. The point of the story is that the fight over a SALT II agreement next year has already begun and that fight will be nasty, with both sides playing "hardball."

Even now, proponents and opponents of a SALT agreement are busy counting votes for such an agreement in light of the November elections. The prognosis is that a SALT agreement is less likely than it was previously considered to be. The loss of Senators Haskell, Clark and McIntyre, for example, means the loss of three sure votes for ratification. Their Republican replacements are not likely to support a SALT treaty under any forseeable circumstances.

To counter the anti-SALT views of an increasing number of congressmen and senators, the administration recently offered some concessions: It promised that the defense budget for fiscal year 1980, which President Carter will send to Congress in January, will contain no cuts, despite the president's promise of significant budget cuts elsewhere. Furthermore, the administration has agreed to move forward on some key defense programs long demanded by hardliners. For example, Carter says he will boost spending for the moribund civil defense program by $1 billion over the next several years. Although symbolic in nature, such a move could be interpreted by the Soviets as a move toward nuclear war. But at least it makes the hardliners happy.

The syndicated columnists, Evans and Novak, who have strong ties to the defense establishment, in particular have been doing their best to fan the flames of anticommunism in an effort to defeat a SALT treaty. And one of their pet projects is civil defense. They and the other hardliners like to harp about civil defense because it makes nuclear war and its threat less fearful to the average person. They neglect to mention that in the event of a real nuclear war there would not be nearly enough time to put a civil defense program into effect, and any effort to put one into effect ahead of time, during a period of crisis, would probably trigger the very attack we were seeking to avoid. The counterargument that the Soviet Union is spending far more than the U.S. on civil defense simply ignores the fact that because the Soviet economy is state-controlled it is impossible to calculate with any degree of accuracy what the Soviets "spend" on anything. Indeed, much of the evidence of an increase in Soviet military spending in recent years has come from a revision of the methods by which we measure Soviet military spending, rather than from any actual increase in spending.

The point which is missed by hardliners is that such an agreement would not in any way lead to a reduction in U.S. nuclear strength. All we are giving up is the unattainable goal of superiority over the Soviets. The fact is that the Soviets are paranoid and will never acquiesce to a position of inferiority in strategic arms. But if we can at least establish a position of parity then we are one step on the road towards mutual arms reduction and an end to the threat of nuclear war.

Is superiority so much to give up? It doesn't guarantee our security. And we can't maintain it anyway, because the turnover in technology is too fast. A discovery today which would give us superiority today would unfortunately be obsolete by the time it was implemented. And we can't ignore the cost either. Spending a minimum of $1.5 billion per Trident submarine for a marginal increase in defense capability would seem to be the kind of luxury our economy could ill-afford.

Lastly it is worth repeating the tired cliche that it doesn't really matter whether we can destroy the Soviets ten times over or twenty times over. If the Soviets are rational they won't attack in either case, and if they are irrational it doesn't really make much difference what we do. It seems to me that in the interests of world peace we have to assume rational motivation on the part of the Soviets and deal with them on that basis—for our mutual benefit. A SALT treaty would be a step in the right direction. ❑

"Civil defense makes nuclear war and its threat less fearful to the average person. . . . But in the event of a real nuclear war, the administration's billion dollar civil defense program would be utterly useless."

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The Crisis in Education: An LR Interview with Joel Spring

In 1972, when Joel Spring published his first book, *Education and the Rise of the Corporate State,* it was not yet fashionable to assert that the American system of tax supported, compulsory public schools was in fact not a system of educational institutions at all, but a system of socializing institutions designed to instill obedience, docility and reverence for authority in its young charges, (and, increasingly, to determine for them, and steer them toward, their "proper place" in the economic scheme of things). In 1972, most educational historians, and most people, still believed that, even if this were true, it had never been intended to be true. They still believed, that is, that the American public schools had been designed as educational institutions, and had only been "corrupted" somehow into institutions of social control.

The past seven years have seen great changes in intellectual fashion, of course; and one of the greatest has been the change in the attitude of educational professionals, and thoughtful people generally, toward this question of whether, perhaps, the public schools do so poor a job of education because education is a job they were never set up to perform in the first place. Books like Ivan Illich's *Deschooling Society* and John Holt's *Freedom and Beyond* have become the next best thing to popular bestsellers. Earlier books like Paul Goodman's *Compulsory Miseducation*, which had been too far ahead of its time in 1962 to win a fair hearing, have been rediscovered by a new generation of readers. And the work of half a dozen historical scholars who specialize in educational history has nearly convinced the academic establishment itself that, as historian Joseph R. Peden put it recently (LR, October 1978), "failure is built into the [public school] system as part of its *raison d'etre.* The system we have is not a noble social experiment gone astray. It was planned to be the way it is, and has succeeded in achieving the aims of its proponents more than we realize."

Joel Spring, a 38 year old education professor at the University of Cincinnati, is one of the scholars most responsible for this rapid change in fashion, and one of the most articulate of its defenders. His subsequent books, *A Primer of Libertarian Education* (1975) and *The Sorting Machine* (1976), have become standard texts on, respectively, the anarchist tradition in education, and the nationalization of the American public school system since 1945 by corporate political interests.

Spring is himself a parent; his two children, ages 9 and 5, are free to choose their own schools—though if they chose to attend public schools, they'd have a hard time of it in the city of Cincinnati. That city's school system, along with all the urban school systems in the state of Ohio, is on the verge of collapse: out of money, out of credit, out of teachers, and out of public support. When Joel Spring paid a visit to San Francisco recently, to participate in a conference on the crisis in education, LR editors Roy Childs and Jeff Riggenbach sat down in the LR offices for an hour of conversation and began by asking for his assessment of the situation in his home state.

LR: Do you think the mess the Ohio public schools are in is an omen for the rest of the country? Is that where the entire public school system is headed?

Spring: It's hard to say if it's a sample of what's going to be happening throughout the country, but what's happening there certainly seems to be everything at once. We've had some tremendous teachers strikes in Ohio, which have closed the schools. The schools are also closing because they're not funded. School desegregation is a major issue in most of the major cities in Ohio. And so is school finance.

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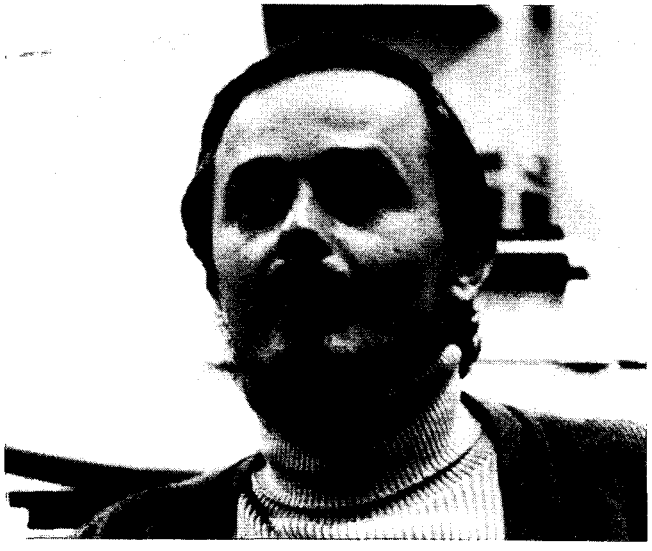
The city of Cincinnati went to court recently and had the state system of funding schools thrown out the window, so now they're under court order to restructure the whole system of financing. And, on top of all that, the Christian schools in Ohio have pioneered legal defense of Christian fundamentalist schools, by going to court and arguing that the public schools teach a form of secular humanism and that to be required to conform to "state minimum standards" is a violation of religious freedom because minimum standards require teaching secular humanism. That argument has been upheld in the Ohio courts and in the Kentucky courts. So state minimum standards have now been thrown out.

LR: What are most of the children doing? The way you paint the picture, it looks like most of the schools are not in operation at all.

Spring: In some cities, they haven't been. In Cleveland they were shut down until just a few weeks ago. And there was at least one other community where they were shut down for that length of time. And some of the schools which are open are inadequately funded in some departments.



LESLEE J. NEWMAN

There isn't money for English textbooks in Cincinnati schools. In one high school—it's half vocational and half academic—they do not have enough money to provide English textbooks for the tenth grade. But because the money for vocational education comes from the state and federal governments primarily, they have plenty of money—money to, for instance, replace the $200 a week worth of equipment the students destroy just in the auto shop. Yet vocational education has been shown time and again to be completely worthless; it doesn't find people jobs; it can't stay up with the labor market; it's just a waste of money.

That's the other crisis in Ohio—vocational education. James Rhodes, the governor of Ohio, wrote a book in the latter part of the 1960s—we have a governor who writes books, historical novels, all sorts of stuff—called *Alternative to a Decadent Society.* And his alternative was vocational education. He instituted his master plan for vocational education with a lot of impetus from the federal government. And the largest programs today in the vocational schools he founded are the following: fabric services—that's dry cleaning, and learning how to hem; cosmetology—Ohio is turning out a tremendous number of cosmetologists, most of whom don't get jobs after they're out; auto mechanics; auto body; and Cincinnati has a unique program, one of a kind in the country, a vocational program for tugboat operators on the Ohio River. The local newspaper published an article recently in which a tugboat owner said, "oh, I wouldn't hire *them.* I'd just send 'em down to the tugboat operators school in Arkansas where we send everybody else." In other words, it's another totally useless program. And when you go to one of Governor Rhodes's vocational schools, you're with your vocational teacher all day. And the vocational teacher has the responsibility in Cincinnati—in some other school districts it's different—of teaching reading and writing and math skills to students. And none of the vocational teachers is qualified. Many of them were recruited from the military as a post-retirement job.

LR: What about Cleveland, where the schools were closed altogether? What did people do with their kids?

Spring: Well, the Christian schools are growing at a very rapid rate in Cleveland. But the situation there is so confused—let me describe what's been happening. Cleveland had the longest-lived school superintendent in the 20th century—Paul Briggs. Briggs was essentially given a charge by the school board a few years ago to avoid desegregating the schools, and to essentially maintain the segregated school system. And the way Briggs thought he could get away with it when the case went to court was by building very elaborate schools in the ghetto on the East side of Cleveland. So he put a great deal of money into building schools on the East side, some very beautiful modern schools, and also the supplementary education center downtown, which was to provide integrated education by bringing black students from the East side and white students from the West side and marching them through everyday so they could look at displays—they had the moon rocks there and things like that. So when they went to court Briggs really didn't believe he was going to lose.

But it was quite obvious to the court that the schools in Cleveland were even more segregated in 1976 than they had been in 1945. There were also little problems like the fact that on the East side the schools were overcrowded and didn't meet state requirements for the length of the school days because they were on split shift, whereas in the white schools on the West side they had empty classrooms. So the federal court ordered the school system to desegregate. And at the same time it was ordered to desegregate, the school system reached its real financial crunch, and the banks announced no more loans to the Cleveland public schools because the public schools could not pay off their annual interest charges. They were already heavily in debt to the banks because of all the schools they had been building to avoid desegregation. Now on top of that there came a court order requiring them to buy all these buses, the big busing issue. So the school system announced then that it would have to close, because it didn't have the money—in Ohio you can't keep your school open if you don't have money to run it. That's a state law.

But then a federal judge ordered that the schools stay open, because they would have to be open to integrate; so the schools stayed open, but because they didn't have any money, they couldn't pay the teachers any salary, but the teachers were under court order to continue teaching. So then the teachers went into court to get an order to close the schools or get them unemployment compensation or get them something. Then a tax levy came up in the middle of all this and the majority of the people of Cleveland, in effect, voted out the public schools. The public knew that the schools were going to close if the tax levy didn't pass—that

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was quite obvious—and they voted out the schools. Well, you don't vote out the schools. You just can't do that in the U.S. The court still held that the schools had to remain open. Then the state came up with a loan for the school system. The loan, though, could not be used to pay teachers' salaries, so the teachers went on strike when the schools were to open in the fall. And the teachers remained on strike until they got an order that allowed the Cleveland schools to use the state loan to pay teachers' salaries. Which means then that you had direct state funding of teachers' salaries without, you understand, any member of the population ever voting for it.

LR: That kind of control from above is becoming more and more common in American public education, isn't it? Isn't local control of schools becoming a thing of the past?

Spring: You can travel across the country, and even though you talk about local control and the variations among states, there's an uneasy feeling you get that the schools look pretty much the same, and that the teachers and administrators are talking about the same things. And all over there are programs appearing in schools, such as career education, which I mentioned before, although there's been no large-scale demonstration by citizens in local communities for career education. Nor have they gone out and voted for career education. In fact, probably, local citizens don't even know what career education is. Teachers centers are another thing that local populations have never voted for. Teachers centers are a payoff from President Carter to the American Federation of Teachers and the National Education Association. In the 1976 election, the NEA for the first time in its history supported a presidential candidate, namely Carter. And the AFT supported Carter. Now Carter promised two things, one to the AFT which was to provide teachers centers, the other to the NEA for creation of a Department of Education separate from the Department of HEW. The teachers centers have been created, funded through the federal government. And no one at any local level ever demanded them. It's a topdown phenomenon.

LR: When did this topdown style of control begin in American education?

Spring: In the early part of the 20th century. You could locate its origin within the National Education Association, which in the latter part of the 19th century and the early part of the 20th century was a primary organization for the creation of what you could call a national educational policy. It was primarily dominated in those days by superintendents and college professors. They would meet annually and create working committees and produce reports. They produced a series of reports which defined what public schooling should be all about. But then in the early part of the 1950s, the public schools in the U.S. came under heavy criticism because of what was considered their anti-intellectual curriculum. It was argued that the public schools were the weak link in our defense against Soviet attack, that it was because of the public schools that we weren't producing enough scientists and engineers. And the group that was attacked and held responsible—and quite rightly, because it had been determining a great deal of policy—was the educational professionals linked with the NEA.

What happened then in the 1950s, gradually, was that the function of producing ideas of what education should be began to shift from the NEA to the federal government. In the 1950s, for example, the National Science Foundation became a center for the creation of new curriculum for the public schools. In the 1960s, with the War on Poverty, the federal government established research and development centers all over the U.S., and the research and development centers had the purpose of creating ideas and new educational innovations which would be tried out on schools in poor areas.

Then, in the early 1970s, Richard Nixon appointed Sidney Marlin as Commissioner of Education. One of the things Marlin was supposed to do was establish "law and order" in the public schools. And his answer for law and order was to make education "relevant". And to make education relevant, he argued, you had to relate it to a person's future career. He took his discretionary money within the Office of Education and went out and organized regional meetings for school superintendents, and he told them about career education and announced that money was going to be made available for career education projects.

Well, the superintendents in local schools, which have always been hard-pressed for money anyway, responded, of course, and very favorably. By this time the NEA had a new function—to disseminate new information about new federal programs.

LR: And by then the process of converting from local control to topdown control had been virtually completed.

Spring: Exactly.

LR: But why? What's the advantage of topdown control, from the point of view of the national educational planners?

Spring: The major thrust of schooling in the 20th century in the U.S. has been an attempt to control the labor market. I first appreciated this when I was working on *Education and the Rise of the Corporate State*. What I mean by controlling the labor market is the idea that you can make the system more efficient if you view the individual as a natural resource that needs to be molded within the school and shaped for a particular slot in society. I have argued that a great deal of national educational policy has been centered since World War II around an attempt to actualize that.

LR: What do you think of the idea, advanced by critics like Ivan Illich, Paul Goodman and John Holt, that the problems in American public schools are inherent in the nature of the school, whether it's operated by government or somebody else?

Spring: No, I don't think it's just the institution of the school. I think there are methods available, for example, that can teach kids how to read. One successful method that has never been widely adopted in the public schools is the Montessori method. It seems to me one effective technique for the teaching of reading, and other things, within an institutional setting.

You see, there is a lot of difficulty with what you mean by "institutional education". If I want to learn how to fly an airplane, for instance, I would like to be able to select a qualified pilot, who would have some sort of organized plan for me to learn how to fly, and then just turn the controls over to me and say "take off." I *do* think there might be available to us certain methods of organizing learning that can be efficient and helpful. The problem is there is no way of doing that within the existing structure of schooling—I mean any way that we can make choices and decisions about what organization is best for each of us. ❑

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The Crisis in Schooling: An LR Colloquium

The school as an institution is under fire today as never before in modern memory. In Ohio, voters have begun refusing to fund the public schools. In California, voters have supported massive property tax cuts in the face of predictions that such cuts would spell doom for the schools in the state. The number of parents who are keeping their children out of school entirely and educating them at home is already in the thousands. And radical education critic John Holt told *Time* recently that by the end of the next decade there will be half a million such families—families so fed up with school that they're abandoning it altogether.

Holt is probably best known for one of his earliest books, *How Children Fail*. In 1964, at the time of its publication, he was still advocating school reform. But by 1973, when fellow education critics Neil Postman and Charles Weingarten published *The School Book*, they were able to complain that "the more rigorously Holt has pursued the logic of his own critical assumptions, the farther he has drifted from a concern for schools . . . he has lost most of his interest in reforming the bad practices of schools."

LR Senior Editor Jeff Riggenbach and broadcast journalist and LR contributor Leslee J. Newman found out for themselves recently how rigorously Holt is still pursuing the logic of his critical assumptions, when they sat down in a room of Boston's Copley Plaza Hotel for some candid conversation with the 55 year old *enfant terrible* of American education. Joining in the discussion were conservative education critic Sam Blumenfeld—who is also known for his essay on the libertarian ideology, "Anarchy on the Right", which originally appeared in 1973 in *Penthouse* magazine—and Jan McDaniel of the revolutionary Sudbury Valley School of Framingham, Massachusetts.

The Sudbury Valley School, as Senior Editor Riggenbach described it in his "Convention Diary, 1978" (LR, October),

> is a school in which there are no requirements, no grades, no curriculum, no classes. You study whatever you like whenever you like—or you do nothing at all, if that's what pleases you. You don't even have to come to school if you don't want to. Your life is your own. If you come to school, the teachers and staff are there to be of assistance to you, *if you want them*. Otherwise, they leave you alone. You can graduate from Sudbury Valley when you can go before the staff and defend the thesis that you're ready to accept full responsibility for your life.

Jan McDaniel had just finished presenting the Sudbury Valley story to the 1978 National Libertarian Party convention when we sat down around the microphone. And John Holt and Sam Blumenfeld, in the same panel discussion, had damned schools, especially the compulsory tax-supported kind, in no uncertain terms. We decided to build our conversation, therefore, around the specific topic of the school—was it worth reforming?

LR: Why don't we begin with a round of self-introductions? Who is each of you? And what's the nature of your interest in the crisis of schooling?

Holt: My name is John Holt. I was a school teacher for quite a number of years, and then for a number of years I was a would-be school reformer. What I do now mostly is edit and publish a little magazine called *Growing Without Schooling*, which is written for, and to a large extent by, people who either have taken their children out of schools altogether or are trying to find ways to do so. The reason I do this is that I've come to believe that learning, the activity of finding out about the world and the people in it, is not something that has to happen inside a school. In fact, most schools are not very good places for it. I also don't believe any longer that in order to have learning you have to have

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teaching. I think most people, beginning from birth, are extraordinarily capable learners and all they need is questions answered once in awhile, and road maps. If they get curious about a particular question, they may need somebody to say, "well, here's a book about that," or "here's a magazine." I think, that what children need is access to more of the world and in particular to more adults whose work is not dealing with children. And that's mostly what my magazine is about. I still consider myself very much a teacher, but I don't do it in a school.

Blumenfeld: I'm Sam Blumenfeld. I'm primarily a writer, and I've written some books on education which have given me some expertise in that area, but certainly not very much. I've written a book on *How to Start Your Own Private School and Why You Need One,* to give parents an alternative to public education. I've also been aware of the reading problem for many years, and I've done a book called *The New Illiterates,* to bring Rudolph Flesch's work up to date. I've also written a book called *How to Tutor,* which is designed to help parents teach their kids how to read at home.

The book I've been working on most recently is a history of public education in which I try to find out why Americans gave up educational freedom so early in their history. We had such marvelous diversity and freedom prior to the Revolution, and then before the country was 50 years old, we were already into public education.

McDaniel: My name is Jan McDaniel, and I'm a trustee of the Sudbury Valley School in Framingham, Massachusetts, in the valley of the Sudbury River. My two boys go to school there. I taught there for four years. Before I went to Sudbury Valley, I taught music for nine years in the public schools.

LR: John Holt, why do you say schools are not very good places for learning?

Holt: Because schools are very restricted in environment —at least, all but a very few schools. If you happen to live in a community where there is a school like the Sudbury Valley School, and you have enough money to afford to send your kid there, well, that would probably make quite a lot of sense. Some schools are sufficiently ok that is if it's convenient for you to send your children there, if it's a nice place for kids to gather, that's a perfectly reasonable and sensible thing to do, and it won't do any harm. I'm saying you don't need schools in order to live, that even at their best, you don't need a school like Sudbury Valley in order to learn. If you happen to have one handy it might be nice, but it might not be everybody's cup of tea.

The point is, learning does not require a special kind of place which you cut off from all the world in other respects. And it doesn't require teaching. What children need is access to the world, to places, to people, to tools, to resources, to books, to maps, to musical instruments, to athletic equipment, and I think most of all to adults who are not child specialists, who do other kinds of work. What kids want to find out is: What's going on out there? What are you people doing, and why are you doing it and how do I get into the act? That's what they want to find out. But you can't find that out in a little room which has been shut off from the rest of the world by adults who make teaching their whole life work. It doesn't help kids much if they have to spend all their time hanging out with adults who spend all their time hanging out with kids.

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Education critic John Holt at the time of the publication of his book, *How Children Fail,* when he still believed in school reform.

LR: But there's a real practical problem for parents who work. What do you do with the kids?

Holt: I had a long correspondence about that in the fourth issue of *Growing Without Schooling.* A young single mother, who was then a law student and will soon be working as a law professor, wrote and said she had a six-year-old and didn't know what to do with her when she worked except send her to school. I told her a six-year-old *may* need a babysitter; an eight-year-old shouldn't. How long has the idea of babysitters existed—when did the idea start? The idea that if you're a child, you have to have some adult's eyes on you 24 hours a day, except when you're asleep, is a very recent notion in human history. I told my correspondent, "if you and your daughter decide together—it has to be a joint decision—that you want to go into some kind of training for independence, I can see absolutely no reason, by the age of eight, why your child, if this is the way you and she want to go, should not be capable of spending the day at home, occupied with whatever projects interest her." Since then I've discussed this with a couple of friends who have a boy of 7 and don't like the available schools. The parents both work. They've talked it over with the kid and they've decided that's the road they're going to take. He's going to be at home, and they're going to think of projects to do. It's a solvable problem.

LR: Are your friends harrassed by the public officials?

Holt: They might very well be if the public officials knew about it, but part of the deal is making sure they don't.

Blumenfeld: I recently came to the defense of a woman in Queens, New York, who took her child out of school because she didn't like the way they were teaching him to read.

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At the Sudbury Valley School of Framingham, Massachusetts, children are entirely free to direct their own education.

That was the immediate catalyst, but she also didn't think that a child should go to school before he was ten. She enjoyed having him around. Of course, the school system sued her, tried to repossess the child—they want to possess every child in the community, they feel as if they own you, you know—and we brought it to court. And it turned out that, in New York state, as in many other states, a parent, or any guardian, has the right to educate a child at home, provided they get as good an education at home as they were getting in school. And that doesn't mean they have to spend five hours a day tutoring their kids, because they don't require five hours when you tutor them. The original provision was made so that child actors didn't have to go to school, could be tutored. But of course, any parent could take advantage of it. They might satisfy the state as far as the hours went by showing that, well, we took him to the museum, and that took two hours, and we took her down to the flea market, that took another two hours—it was learning experience. As long as you use the phrase "learning experience", you can get away with almost anything.

My main concern is really just getting us away from the idea of compulsory school attendance. You don't need it, because everybody wants to learn. But there are an awful lot of educators who simply have too much pride to permit the child to do it himself. The most difficult thing for most teachers is to subject themselves to the whims or the wishes of the youngster. And that I believe is the great trouble of our educational system: the tremendous pride, the arrogance, that you find in the teachers and the teachers' colleges. I think that, per pound, you find more pride and arrogance in the teachers' colleges than anywhere else in the United States, even in politics. Even politicians owe something to their constituents, you know, or to the people who bought them their offices. But the teachers owe nothing to anybody. The children of our country are the slaves of the teachers and the teacher's colleges. It's a terrible situation.

Holt: It's a terrible situation, and I think it's only going to get worse and worse.

Blumenfeld: It *is* going to get worse, much worse than it is now. The public schools are going to continue doing what they've been doing, and I think the American people are simply going to wake up and realize that they're spending an awful lot of money for nothing—no, not for nothing, but for worse than nothing, for damage. The school system has such a destructive effect on the people who pass through it, that it's a miracle as many of them come out in as healthy a state as they do.

But millions of others don't; they're permanently damaged by the system. And the vested interests of the educational establishment in this country are so great, their hold on the politicians and organizations is so incredible, that the greatest source of oppression in this society today is the public education system. And the public simply has to become aware of how destructive it is before they're really going to take it in hand and get rid of it.

McDaniel: I don't think the public education system is any kind of monster devouring our children. My older son is very interested in a vocational school that's in our district,

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Learning to quilt at the Sudbury Valley School.

because it has some gadgets that he'd really like to learn about—some computers. And as far as I can tell, that may be his only access to them, and if that turns out to be the case, within a year he'll probably be enrolled there, knowing very well in advance what he's getting into, in order to get at something that he wants to get at. And I don't think he'll be damaged. I don't worry about him getting along very well. He's just not going to take any crap from anyone. He will have gotten there over a long self-directed course of finding out what he's interested in, and he'll pay the price and he knows what the price is in advance. I think it's a shame that he has to pay that price—he's going to have to give up some amount of his individuality for a while, and enter a hospital-type, prison-type environment in which he's not a whole person any longer, but I don't think it'll damage him to pay it.

If the public institutions have shown any one characteristic to me, it's resilience. They've lasted through upheaval and changes of circumstance beyond any expectations of mine. I thought the public schools would be empty by now. We started Sudbury Valley in 1968 with the prediction that the public schools were going down the tubes. I still feel the same way now, but it's not happening, is it? They're going to be around for a long time, and I think each person is going to have to make his peace with it. You're either going to send your kids there or you're not.

LR: Do you think there'll be more schools like yours in the future?

McDaniel: Yeah, inevitably. I think one of the futures of education is that it's going to become more varied. People are gradually getting the idea that you don't have to have a monolithic school system, and there will be schools like Sudbury Valley, and there will be schools of a lot of different kinds, and some that I wouldn't approve of, but if other people do, that's good enough. If they want to do it that way, that's fine. What I hope for is to see this monolithic attitude to education go. The compulsory education law would be the key to it. If we could rid of that one law, that would do more good than any one move I can think of. Just so people didn't have to send their kids, or feel like they had to. A lot of people feel like that have to in order to be good citizens. If we could just get rid of that feeling, that would be a tremendous step.

Holt: I think compulsory school attendance laws are going to become unenforceable long before they become repealable. Even if you got 5 or 10% of the people of this country saying, "we're not going to send our children to schools no matter what," the law would become a dead letter. I had a letter recently which I published in my little magazine from a parent in Maryland who said the state of Maryland is only able to prosecute a very small percentage of the truancy cases that it has. That's my point—long before compulsory schools become *so* unpopular that we can actually get the law off the books altogether, it's going to become a law that will become meaningless for anyone who wants to get out from under it.

Blumenfeld: That's true, as a matter of fact, now. There are more kids out of school, staying out of school, than ever before. That was one of the points made on that CBS series on television recently: there is an enormous amount of truancy these days and there's no way of getting these kids back into these schools.

LR: Should we even be trying? Or should we be trying the Sudbury Valley approach? How *does* Sudbury Valley approach kids who are totally turned off by school?

McDaniel: Kids do come turned off. We've had kids come from public schools at a rather late age, kids who came to Sudbury Valley with the attitude of, "ok; show me what you've got; that's it."

Well, they were left alone. And depending on their native intelligence, sooner or later it got through to them that no one was going to entertain them, no one was going to teach them, no one was going to feel sorry for them for not learning anything. Either they were going to get up off their duffs and learn something or they weren't.

LR: The teachers at Sudbury Valley only interact with the students to the extent that the students invite them to do so?

McDaniel: Exactly. It's a matter of style. Though sometimes the students end up imposing pretty traditional discipline upon themselves. Recently some of our young boys heard about spelling classes somewhere and thought it was a good idea. They sought out one of our teachers and said, "here's what we want—a spelling class—can you do it?" The teacher they chose had done it before; she said yes. They set up a way to run the thing, found a time that was convenient, and did it. However, to say that the style of the school is characterized by more or less formal classes like that one, meeting at a specified time, would be misleading. It's a very unusual feature of the school, in fact.

Blumenfeld: But isn't that inventing the wheel all over again, Jan, when you have people re-discovering techniques of learning that have been known for centuries, like spelling and arithmetic?

McDaniel: If you do it any other way the kids rightly assume that they don't have control over the process of their education, even if you're doing it with the best of intentions. It does in fact take away their control.

Holt: Generally speaking, it's better to discover something for yourself, even if it's something people have known for centuries, than to be taught it. Because in discovering something you think of yourself as a discoverer capable of discovering things, including a lot of things that people haven't discovered yet. ❑

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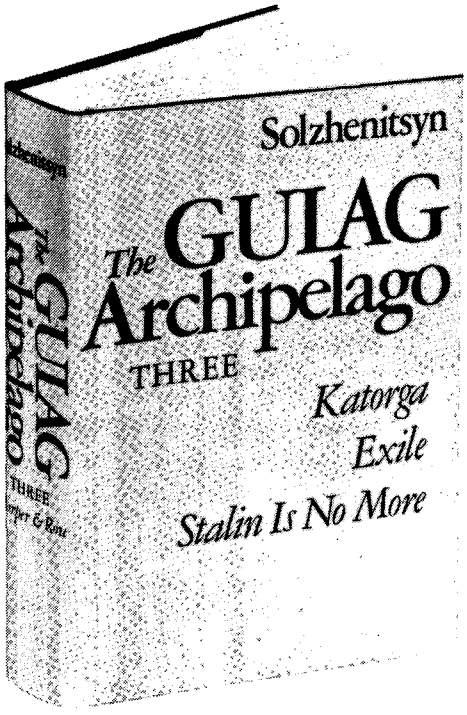

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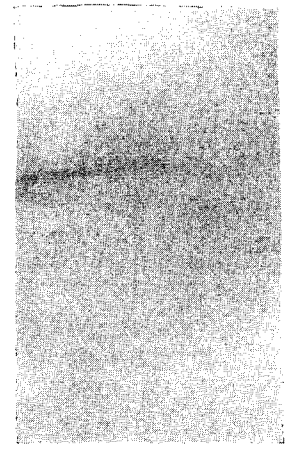
ERA: A Pyrrhic Victory for Conservatives



JOAN KENNEDY TAYLOR

Now that the deadline for ratifying it has been extended to June 1982, the Equal Rights Amendment is back in the news, but still not out of trouble. Although its supporters were able to pull together the largest feminist demonstrations in American history on a hot August day in Washington, thus demonstrating that they still had political clout; and although Congress (when it got down to it) found it not only impossible to vote against equality but also impossible to vote for the right of states to rescind their ratification, problems remain.

The most outstanding of these *is* the problem of rescission. When the two houses of Congress votes down amendments to the deadline extension legislation that would have specifically sanctioned rescission, their lack of a positive vote by no means settles the question. It is basically a constitutional one. Article 5 of the Constitution sets out the amending process, and it is silent about rescission. Does this mean that the power to rescind was not granted to the states, or does it remain with the states? The Supreme Court has never directly ruled on the issue.

So far, the legislatures of Nebraska, Tennessee, Idaho and Kentucky have clearly voted to rescind, although the Kentucky rescission decision was later vetoed by an acting governor. (Rumor has it that the governor deliberately left the state so that he would not have to decide whether to sign it or veto it.)

It is clear that unless the ERA is ratified by seven more states (not just three) before the deadline, the question of rescission will go to the Supreme Court, as 38 ratifications are required for it to become the Twenty-seventh Amendment. Constitutional experts have no idea how the Court will decide on the issue. And what if the rescission campaigns in several other states succeed? A large number of rescissions is bound to influence the Court.

In some ways, the ERA seems to have run out of steam. In 1972, the year it went to the states, 22 states immediately jumped on the bandwagon. But only 13 more have ratified it in the six years since. Despite strong campaigns in 1977 by supporters in Florida, Nevada, Illinois, North Carolina, Missouri, and Oklahoma, all of which voted on ratification during the year, only one state ratified in 1977—Indiana, in January. There have been none since then. And there has been erosion of support in the U.S. Senate. The deadline extension passed the Senate on October 6, 1978, by a vote of 60–36, as compared to the original Senate Vote in 1972 of 84–8.

True, some negative votes were tantalizingly close. In Illinois, the votes of a group of black Congressmen, who voted against ERA to protest what they saw as liberal lack of support for *their* interests, turned out to be crucial. In Nevada, where ERA had been ratified by the Assembly in two previous votes, it was surprisingly ratified by the Senate and then defeated in the Assembly when eleven members switched their votes at the last minute. In Florida, too, a couple of previously committed votes switched at the last minute and made the difference.

ERA supporters have been shouting "Deal!" and it is true that anti-ERA forces, such as the Mormon Church, have campaigned hard and have some powerful allies in state legislatures. In general, conservative groups are patting themselves on the back for the propaganda they have generated and the letter-writing campaigns they have organized in a drive to defeat the ERA.

The other unratified states are Alabama, Arizona, Arkansas, Georgia, Louisiana, Mississippi, South Carolina, Utah, and Virginia. All have strong conservative constituencies. Is the trouble that the ERA is in an indication of a conservative victory?

If it is, it's a pyrrhic victory for those conservatives who hope to oppose government regulation. For at the same time that this amendment to forbid *government* discrimination

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based on sex by adding to the Constitution the words "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex" has been losing support, legislation forbidding private sexist discrimination continues to be enthusiastically passed.

What is happening? Why is a constitutional amendment going down while even more restrictive legislation covering the same area is flourishing? Why do the avowed enemies of the amendment advocate restrictive legislation and regulation? Why, for instance, did *all six* of the witnesses who testified against the ERA in the House hearings in 1971 recommend instead the passage of "The Women's Equality Act," a piece of federal legislation against private discrimination?

The answer to these questions seems to lie in the difference between a *constitution* and *legislation*. It is legislators, federal and state, after all, who have the power to enact or defeat the Equal Rights Amendment, and it is an amendment that will *limit permissible areas of legislation*. Former Senator Sam Erwin, who has been waging a determined battle against the ERA since it became a serious political issue in 1970, put the case this way: "To persuade a legislative body to ratify this amendment," he said, "the legislative body would have to agree to two things. First, that by adopting the interpretation placed upon this amendment the legislative body would have nullified all existing legislative acts which make any distinction between men and women; and second, the legislative body would have to *disable* itself from ever passing any legislative act of that character at any time throughout the future." Once the overwhelming mandate in favor of the ERA started eroding, is it surprising that legislators became reluctant to "disable" themselves by limiting their own power?

Passing legislation, on the other hand, holds no such dangers. "Rights" created by a legislature—even financial benefits such as medicare or social security—can be legally rescinded at any future time. During the Depression, for instance, mid-nineteenth century bans on the employment of married women in public jobs (i.e. school teaching) were revived, to satisfy the widespread feeling that working women took the jobs that should belong to male breadwinners. Current state laws forbid discrimination on account of marital status. But should there be another depression, these laws could be changed. An Equal Rights Amendment would end this possibility, thus (in the eyes of many legal analysts) depriving the legislatures of "flexibility".

And the sweeping power that legislators are most reluctant to divest themselves of, and that many conservatives do not want to see them lose, is the power to enact protective labor legislation for women.

What are we talking about when we speak of protective labor legislation for women? We're talking about laws and regulations on the state level which require special provision for women workers. They are in the following categories: 1) required minimum wages for women only; 2) special requirements for overtime compensation for women; 3) limitations on the hours of working women, including mandated meal and rest periods (some states, for instance, forbid women to work during nighttime hours; as of 1974, 20 states forbade women to work overtime); 4) regulations concerning industrial homework: that is, cottage industry or take-home work for women is forbidden; 5) limitation of employment before and after childbirth; 6) other standards, such as limits on the weights that women may lift on the job (mothers who also work point out that generally such limits are well under the weight of the average two-year-old child) or required seating facilities or special washroom facilities—again, for women only; and 7) forbidden occupations. Women in various states have been forbidden in recent years to take jobs as bellhops, nighttime elevator operators, gas or electric meter readers, moving-machinery cleaners, brickmakers, professional wrestlers,

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miners, and vendors of alcoholic beverages "for on-the-premises consumption." And as one goes back in history, the list grows longer.

Such regulations may seem benign to some, but students of the free market will immediately see that, whatever the rationale for them, their effect can only be to handicap women in the job market. Feminists now suspect that this effect is one of the reasons that such regulation has been supported—but the reason given in this support is more apt to be a general view of the nature of women.

It is a very old view: the view that woman is not fully capable of looking after her own interests but is—rather like a child or an imbecile—in need of "protective guardianship." This view of women as by nature somewhat defective is embedded in most religious traditions and also in our Anglo-Saxon common law heritage.

Woman, according to this view, has been designed by nature for one purpose alone: the bearing and raising of children. That's *her* division of the division of labor. If she temporarily enters into other occupations, they must not be allowed to diminish her basic function. And since women for some strange reason often seem to *want* other occupations, this role must be enforced by law.

Historically and anthropologically, this view is wrong. It is the laws of society which incapacitate women, not nature. As anthropologist Marvin Harris has pointed out, "in the context of the simple economies of band and village peoples, women were at least as valuable as men. Since they could do everything men could do plus giving birth and nursing children, it was no simple achievement to make them seem less valuable."

However, by the time this country was founded, the various churches and the law had combined to ensure that women were in many respects *possessions* rather than *citizens*. The fundamental law of the American colonies was the English common law, as elucidated in Blackstone's *Commentaries*, which held that when a woman married, her existence as a legal entity ceased, and she could no longer own property, make a contract, make a will, legally hold or control her own earnings, or have any legal rights over her children. It was because of these legal limitations on women that the first feminist movement began in the mid-nineteenth century.

After the Civil War, there was a great hope that the constitutional amendments which had been proposed to give the rights of citizenship to Negroes might also include women. But the so-called Reconstruction Amendments (the Thirteenth, Fourteenth, and Fifteenth) were not intended to and did not change the status of women. Feminists then pinned their hopes on winning the right to vote on the laws which affected them, a campaign they were not to win until 1920.

But meanwhile, something else was happening. From the time of the Civil War to the time of the Census of 1890, when the frontier was declared officially closed, the United States changed from an agricultural nation to an industrial one. And women and children began to earn money, at first at home in cottage industry. When the opportunity to do this was closed off by laws regulating or forbidding homework in the garment, tobacco, and food industries, women went to work in the factories. By 1890, half of all women worked for pay outside the home during some part of their lives, and a third of these were full-time factory workers.

The reformers who had succeeded in regulating cottage industry tried to regulate the factories too. But male factory workers rebelled, and were upheld in the courts. In the very first case to be decided under the Fourteenth Amendment, the Slaughter House Cases of 1873, a dissenting opinion said that "any legislation which restricted the liberty of male persons twenty-one years of age, whether they were employers or employees, in the making of business contracts" was a denial of liberty without due process of law. This became the doctrine of the full Court in 1893.

But freedom of contract was a meaningless concept for women and children, for under common law, neither married women nor children could sign valid contracts. Could not the law, therefore, protect adult women, even against their wishes, from harsh jobs and unwomanly working conditions?

It seemed that it could.

In 1873 and again in 1894, it was held by the Supreme Court that equal protection of the law did not mean that women could not be prohibited from becoming lawyers—to "protect them from the rough masculine atmosphere and intemperate language of the courtroom."

And as for state regulation of working hours, although in 1905 a New York State law limiting the employment of men *and* women in the bakery industry to ten hours a day was held by the Supreme Court to be "mere meddlesome interference with the rights of individuals", a scant three years later the same court declared that Oregon's maximum hours law for women only was constitutional, in the case of *Muller* v. *Oregon*.

This is a case worth pausing over, because it is the case that established, to this day, the constitutionality of separate legislation for women as a class. To this day, it has never been overruled. It was won by a lawyer named Louis Brandeis, later himself to become a famous justice of the Supreme Court.

Brandeis's brief referred to the previous New York case, and deduced from it legal rules holding that all "reasonable" statutes limiting the right to sell or purchase labor *must* be sustained unless the Court finds that there is no danger at all to public health, safety, or welfare, because the traditional function of the state government is to exercise its so-called police power to protect health, safety, morals, and the general welfare.

Brandeis then proceeded to inundate the Court with over 100 pages of reports from committees, commissioners of hygiene, factory inspectors, doctors, and statistical bureaus, to prove as a matter of *fact* that long hours were injurious to women's health, safety, and morals. This was the first time that such nonlegal material had been included in a Supreme Court brief. The legal arguments covered only two

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pages. In previous cases, judges had said that there was no "reasonable" relationship between the law in question and its stated object. Brandeis intended to demonstrate that there was.

And the Court agreed with him, but only because women did not have the same legal rights as men. It said:

history discloses the fact that woman has always been dependent on man. He established his control at the outset by superior physical strength, and this control in various forms, with diminishing intensity, has continued to the present. As minors, though not to the same extent, she has been looked upon in the courts as needing especial care that her rights may be preserved. . . . Though limitations upon personal and contractual rights may be removed by legislation, there is that in her disposition and habits of life which will operate against a full assertion of those rights. . . . Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained.

The early advocates of rights for women did not want any kind of protection. They wanted the law to get out of their way. Sarah Grimke, noted feminist and abolitionist, wrote, "I ask no favors for my sex. . . . All I ask of our brethren is, that they will take their feet from off our necks and permit us to stand upright." Thirty-nine years later, a Declaration of Women's Rights in 1876 conveyed the same message. It said: "we ask of our rulers at this hour no special favors, no special privileges, no special legislation. We ask justice, we ask equality, we ask that all the civil and political rights that belong to citizens of the United States be guaranteed to us and our daughters forever."

They didn't get it. Instead, they got special legislation. By 1920, such legislation existed in every state. Some working women and advocates of women's rights supported it, but many did not.

Two things happened in 1920 that were to affect the lives of women. The Nineteenth Amendment to the Constitution was ratified, finally allowing women to vote. And the Department of Labor took official notice of the working woman, by establishing a special bureau devoted to her. Judith Hole and Ellen Levine describe one of its purposes in the book, *Rebirth of Feminism*: "In 1920 the Women's Bureau was established and, among other things, became central in the continuing drive during the subsequent decades for protective laws for women. The Women's Bureau and the organized labor movement worked in concert around this issue."

You can just bet they did. Such laws controlled women; removed them from the collective bargaining process because they couldn't work overtime, couldn't work certain shifts, couldn't be assigned certain tasks. Organized labor has always supported such legislation, and a leading lawyer, Marguerite Rawalt, explained why to a Senate Committee in 1970:

The Court applied the branding iron of physical differences and maternal functions to justify herding all women workers [sic] into one corral as a "class." This has excluded them ever since from Fourteenth Amendment equal protection. . . . And thus "sex is a valid classification" established an authoritative facade behind which better paying jobs, promotions, and overtime premium pay were reserved to male workers, through the enactment of a multitude of state laws."

In 1972, Ann Scott described in an article in *Ms.* magazine the turn-of-the-century "position of the American Federation of Labor that working conditions for women should be controlled by state protective laws, and for men by collective bargaining." She went on to conclude, "The AFL–CIO hasn't changed that position much over the years."

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Ever since the Women's Bureau was established, those who purported to speak for women have been divided as to what was really in their best interests. On one side, almost alone, a group called the National Woman's Party became the leading body working for the removal of *all* legal distinctions based on sex, and much to everyone's amusement it introduced an Equal Rights Amendment in every session of Congress from 1923 to 1970. This amendment never even came to a vote until after World War II, and it was usually opposed by women's organizations, including the Women's Bureau of the Department of Labor, which felt that equality before the law was not in women's best interest—rather, women must be made equal in *fact* by special legislation.

The importance of this distinction has been highlighted by several writers, perhaps most notably by F.A. Hayek, who after writing in *The Constitution of Liberty* that "the great aim of the struggle for liberty has been equality before the law," went on to say:

From the fact that people are very different it follows that, if we treat them equally, the result must be inequality in their actual position, and that the only way to place them in an equal position would be to treat them differently. Equality before the law and material equality are therefore not only different but are in conflict with each other; and we can achieve either the one or the other, but not both at the same time.

The Women's Bureau tried to promote material equality; the National Women's Party and its Equal Rights Amendment offered equality before the law instead.

In 1970, a group from the National Organization for Women invaded a Senate hearing on extending the franchise to eighteen-year-olds and demanded that hearings be held on the Equal Rights Amendment. They were held, and the idea of equal rights was suddenly not so funny. Not everyone was laughing at Emmanual Celler's quip that there was as much difference between a man and a woman as between "a horse chestnut and a chestnut horse." There seemed to be a sizable constituency in favor of the amendment, despite the fact that it would undoubtedly destroy protective legislation.

There were a number of prestigious witnesses against the amendment, from the Women's Bureau, from the National Consumer's League, and from various labor unions, and all explained the importance of defeating the amendment in terms of its effect on protective labor legislation. The statement of the ILGWU said, "The continued right of local and federal governments to provide appropriate safeguards to every segment of our population that needs them should not

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be destroyed." As the introduction to one published edition of the hearings put it, "The question of protective legislation for working women haunts the hearings." In fact, *every* witness against the ERA supported protective labor legislation as an alternative.

The campaign against protective labor legislation has continued to make headway, despite pleas for preserving what one union leader called "the equalizing function of government," which the ERA would (at least in some measure) destroy.

It seemed for a few heady years as if free-market arguments had prevailed in at least that economic area, even among those who did not extend them across the board. Karen DeCrow, later President of NOW, wrote that "when opponents of free choice in occupations call up the spectacle of women working in mines or digging ditches, the only reasonable response must be that women should have the same opportunity as men to work at (perhaps) less-than-dainty occupations for the same reason that men do—because they pay well."

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And an article in *Ms.* magazine pointed out that "A peculiar historical evolution has left 'conservatives' supporting protective units, the 'radicals,' in effect, advocating the free market. Classical economists would smile more sweetly on the supporters of the ERA than on its opponents."

Well, there has been an even more peculiar historical evolution since that was written. The protective laws are going down, not under the principle of free choice, but through the action of an administrative agency, the Equal Employment Opportunity Commission. This leaves what the ILGWU called "the . . . right of local and federal governments to provide appropriate safeguards" intact; the EEOC merely demonstrates that a *particular* "safeguard" is not appropriate, often by showing that it leads to material inequality. The more often this happens, the less convincing the arguments in favor of the ERA—even some of its supporters are now saying that it is mainly symbolic.

And these challenges to state laws have not been successful on the basis of protecting rights by limiting government, but on the basis of the expansion of federal power by Title VII of the Civil Rights Act of 1964, which in turn gets its constitutional sanction from the breathtaking powers that Congress has to regulate interstate commerce. And this is being hailed as a conservative *victory*?

So the feminists are winning their battle against the worst of the protective labor laws that they have learned to despise, but on an *ad hoc* basis, not on the principle of equality before the law. The legislatures are keeping their unrestricted power, and new footnotes are being added to accounts of the expansion of the federal power to regulate interstate commerce. The losers are the opponents of government regulation.

And perhaps the next generation of feminists.

The first feminist generation petitioned to be included under the Fourteenth Amendment and was refused. Then feminist energies were diverted into a campaign for the vote which, since women weren't guaranteed equality before the law, didn't save them from special legislation.

The present generation has sought equality before the law and has been offered a more efficient regulation of commerce instead—partly to placate the conservatives such as Phyllis Schlafly who have seized the banner of special protection just as almost everyone else was dropping it, and who complain that under ERA women will be "forced" to work double shifts and lift heavy objects.

The position of women in society can change within much less than a generation. During my own lifetime, I have seen women sweep into every conceivable job in the economy during World War II, and then go back into the home again in the postwar period of "togetherness"—a period, by the way, when protective legislation, which in many respects was in abeyance in the days of Rosie the Riveter, when women were needed to work in the factories, was passed with renewed vigor.

If, as the conservatives claim, a large segment of the population still holds the basic view that women are primarily wives and mothers and ought to be restricted to that role, if this common law view of women really hasn't changed—how long will it be before, in some guise or other, special legislation for women returns?

Meanwhile, the juggernaut of government rolls on, with just a little more power than before. ❑

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Election Notes 1978
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LEONARD P. LIGGIO

Remarking on the record-setting amount of money spent on trying to convince the citizenry to vote in the 1978 election, *Time* opined, "what we miss for this part of the great plebiscite is the services of H.L. Mencken" to write about what he called the *Carnival of Buncombe,* to lay about him in good humor over the "rogues and vagbonds, frauds and scoundrels" who pump "stale bilge" around this "lugubrious ball." But even a man of such laser eye as Mencken confessed that "after damning politicians uphill and downdale for years, a certain faith in the process keeps re-emerging." And after several decades during which any favorable reference to Mencken was enough to instantly condemn its author, this and other recent positive mentions of Mencken suggest that the news media as well as the public is in the process of reorganizing its thinking and recognizing libertarian ideas as one of the defining poles in American politics. In the nineteenth century, libertarian ideas were the defining terms of political debate. And there is now strong evidence that libertarianism is on the way to regaining that preeminence. In part, Mencken's "faith in the process" was founded on his own recollection of an American politics defined by the libertarian challenge

The central fact of contemporary politics is the irrelevance of the Republican and Democratic parties. The increasingly lower voter turnout symbolizes it. Yet individual candidates and especially individual issues, such as Proposition 13, gain large and enthusiastic voter response. And they do so because they polarize issues the way political parties did a century ago. Then, a political party performed the function of a secular church. It had specific and meaningful doctrines. And elections were the expressions of the popular strength of those doctrines. The "politics of freedom and let-me-alone" contested with the "politics of control and morality." Sound money, individual freedom and laissez-faire contested with soft money, governmentally imposed piety and interventionism in the economy. The Democrats were the party of individual liberty; the Republicans were the party of puritan moralism. The Democrats stood for peace and laissez-faire; the Republicans stood for crusading and intervention abroad and at home. These parties reflected basically different, competing cultures. Contemporary cultural developments have not been reflected in the existing political parties; this explains the diminishing voter turnout. The Republican and Democratic parties cannot give political expression to the cultural attitudes and institutions embraced by the people.

The Establishment which controls the two major parties is terrified by the fact that the two parties are becoming, in the eyes of the electorate, merely decorative and ceremonial. For the minority of the citizenry that votes, they have become like the Greek and Roman kings under the republics: merely pious and priestly figures kept around for old times' sake. But the fact that the majority avoids the polling place has much greater significance for the *polis*. The voters have, in effect, rejected the two parties as not representing them in any way. Either party label has thus become a burden; the election depends on which party is less in disrepute.

The Establishment is attributing the collapse of the two parties to the Vietnam War, Watergate, Koreagate and other scandals. They perceive a deep cynicism among voters regarding politicians. Editorial writers are speaking of the charm of a new individualism among Americans. But they warn that it may prove dangerous and chaotic because it may mean that new national goals and new national reforms and new national taxes will be difficult to organize. There may be no majority with which to justify the new national goals. *Washington Post* columnist David Broder wrote recently: "The individualistic instincts in this society have now become much more powerful in our politics that the majoritarian impulse." The one hope of the Establishment is

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that individualism will become introverted, self-centered and unable to ally with and organize other individualists. In that case, the Establishment may be able to ride out the storm of individualism because, although ignored, it will be left in power and will be in a position to organize new offensives.

The 1978 elections could be headlined in either of two ways—Republicans Fail to Comeback in Congress or One of Lowest Voter Turnouts in Fifty Years—but the two headlines tell a single story: the story of the inability of the Republicans to represent the millions disgusted with current politics.

The Republicans started out so far behind—after Vietnam, Watergate and the Carter election—that they should have made impressive-looking gains in Congress on the strength of mere inertia. But instead of inertia, the Republicans put a huge effort into the campaign. That effort was directed at telling the voters that there were schemes whereby it was possible to drastically cut taxes while leaving the bloated federal budget without much of a cut. The electorate did not believe it and stayed home. They heard the Republican leaders, after the Prop 13 victory, emphasize how irresponsible Prop 13 was (while California politicians fell over themselves to join up). They heard Republican leaders tout Republican schemes as Oh so much more responsible! But the voters gave the Republican congressional candidates' "responsibility" a big Bronx cheer (especially big, since they couldn't expend it on the Bronx Bombers this year).

"The central fact of contemporary politics is the irrelevance of the Republican and Democratic parties. The increasingly lower voter turnout symbolizes it."

Less than 34% of the voters went to the polls this November 7. This was almost the lowest turnout in fifty years. The public began voting heavily in offyear elections in 1962 and reached major highs in the Vietnam elections of 1966 and 1970. The falloff began in 1974.

With the vast changes in the numbers receiving higher education during the past decade, there has been a reversal in the profile of the electorate. Earlier, voters tended to be the educated, who felt they could control events both in their lives and others' lives, while non-voters tended to be the less educated, who believed life was determined by luck. But with the large increase in education among the young, that profile has changed. The voter today tends to be an older person, whatever his education. Those over 50 vote in large numbers; those between 25 and 50 vote in moderate numbers; those who are 18 to 24 vote in much smaller numbers. Voters today tend to be people who view the political mechanism as providing the stability and control, the planning, upon which they have based their lives. This is the Social Security generation. Those under 50, however, have experienced the major dislocations of the last decade and a half; they recognize that the political system is the foe of their planning and controlling their own lives. (A recent study, *The Empty Polling Booth,* by Arthur T. Hadley, provides further insights on the issue of the non-voter.)

The Republicans, predictably, have failed to appeal to this disenchanted portion of the electorate. In 1962, when youthful voter participation was waxing dramatically, the Republicans moved away from the successful Eisenhower stategy of cold war detente. They attacked negotiations with the Soviet Union and lost seats instead of gaining them in the midterm election. In 1966, following the all-time pro–cold war Goldwater debacle, the Republicans were in a position to regain their widely lost seats. In the East and far West the Republicans attacked the US entry into Vietnam and regained seats. But in the traditional heartland of Republican strength, the Midwest and Plains states, the Democrats became Vietnam war critics and the Republicans became total supporters of Lyndon Johnson. The Republicans have yet to recover from that disaster; the consequences were still evident in the 1976 elections. There were so few Republican senators in the heartland that President Ford had to select, obviously out of desperation, the great foot-in-mouth Bob Dole as his running mate.

The Republicans rode the successful, anti-Vietnam part of their 1966 strategy to victory in 1968, and then immediately made Vietnam their war. In the hotly contested 1970 election, Spiro Agnew toured the country trying to elect Nixon Republicans. The public poured to the polls and elected peace Democrats, except for a few Republicans who led the Watergate investigations. Meanwhile, while these and more peace Democrats were being sent to Washington in 1972, George McGovern greased Nixon's reelection campaign by promising money to the poor while cutting everyone's taxes. Don't they ever learn? The public wants its taxes cut. No "fiscal responsibility," no "sentimental redistribution," just tax reduction, period.

Yet the national Republican campaign did not attempt to gain leadership of the tax-revolt in 1978. However, on the state level, Republican candidates did try to emphasize their anti-tax stands, and were rewarded with success. The Republicans now hold eighteen governorships out of 50 (a far cry from the more than thirty that set the stage for presidential victory in 1968). They gained three hundred legislative seats, giving the GOP majorities in 13 more state chambers, for a total of 21. This will insure existing congressional seats for the GOP even after redistricting from the 1980 census.

In the East, Republicans lost moderate senator Edward Brooke, and gained a moderate senator in Maine, William Cohen. The Democrats gained a governor in Maine and a senator in New Jersey. In New Hampshire, Senator Thomas McIntyre was defeated by Gordon Humphrey on the slogan that no one could be more fiscally conservative and on a call for elimination of the Social Security system. New Hampshire governor Meldrim Thomson was brought down by surtaxes on utility bills to pay for his controversial Seabrook nuclear power plant, and by the spoiler race of former Republican governor Wesley Powell, heir to the late Senator Styles Bridges. The Democratic victor pledged to veto a state income tax and accused Thomson of meddling in other countries' affairs by joining right wing-sponsored trips to Taiwan, South Africa, Israel and Panama.

In Massachusetts, insurgent tax-cutting Democrat Edward King defeated Republican Francis Hatch. In New York, Governor Hugh Carey snatched victory from long-predicted defeat. He also won grudging respect for his refusal to change his opposition to capital punishment.

In the South, Republicans held on to key senate seats in Virginia, North and South Carolina, Tennessee, and Texas, added a senate seat in Mississippi, gained key governorships in Texas and Tennessee, and lost a state house in South Carolina. A new GOP congressman was elected in Georgia. Representative Ron Paul was returned to his Texas seat after narrowly losing it in 1976. These victories will probably

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tempt the GOP to attempt a "Southern Strategy," which is hardly likely to pay off with Jimmy Carter standing forth as a fiscal conservative.

Although over 50% of voters live in the South and West, the voter turnout in the South is traditionally low. Fewer than one-fifth of the voters in Florida and Texas voted in the 1974 elections. This contrasted with states in which there was an over 50% turnout: Connecticut, Montana, Wyoming, Utah, North Dakota and South Dakota (the highest with 59%). Nevertheless, the classic Midwest vs. Southern Strategy debate which President Ford won against Ronald Reagan in 1976 could be repeated in 1980 (with Howard Baker or George Bush viewed as Southerners acceptable to the Midwest).

The GOP strength in the Midwest-Plains and Far West was the major success story of the 1978 election. First, four leading Humphrey Democrats were smashed in Minnesota. Representative Donald Fraser was knocked out in the primary, as were the Democratic candidates for two senate seats and for governor. This was a major blow to vice-president Mondale. The new governor, 20 year Congressman Albert Quie, could be a major force in the 1980 GOP convention.

The GOP sweep of governors started in Pennsylvania, where Richard Thornburgh, who promised lower taxes, defeated a major Carter ally. Thornburgh was aided by Democratic disarray in the unsuccessful attempt of Philadelphia Mayor Frank Rizzo to amend the city charter to permit him to have a third term. In Ohio Governor James Rhodes defeated Carter ally, Lieutenant Governor Richard Celeste, who was hindered by infighting in the Cleveland Democratic party. The contest was surrounded by the debate over school financing. More than half the 201 public school tax levy issues were rejected by Ohio localities. Rhodes promised no increase in taxes, even for the saintly public schools, while Celeste proposed property tax cuts and state income tax increases. In addition, Republicans held on to state houses in Michigan, Illinois, and Iowa, and gained them in Wisconsin, Nebraska, South Dakota, Oregon and Nevada (losing one in Kansas). However, there was no GOP net gain in the Senate, as the wins in Iowa, Colorado and South Dakota were offset by losses in Michigan, Oklahoma and Nebraska. In Iowa, Senator Dick Clark's advocacy of gun-controls and an activist U.S. policy toward Rhodesia and South Africa, and opposition to tuition tax credits and limiting federal funding of abortions, led to a major defeat.

The new chairman of the Senate foreign relations committee, Frank Church of Idaho, will be faced with a difficult choice to replace Clark as chairman of the Africa subcommittee. There is fear that George McGovern will take it on. His recent call for U.S. leadership of an international invasion of Cambodia makes many people fear that he will make a similar proposal for solving the problems of Rhodesia and South Africa.

The impact of the election on major foreign policy issues was the subject of a *New York Times* article by James Reston (November 12, 1978). Reston felt that the increased number of new conservative Senators "does not necessarily retard the prospects for a comprehensive agreement to limit the military budgets of both the United States and the Soviet Union." Reston saw such an opportunity, because, he felt, although conservatives wanted to cut everything except defense, "the new Congress might respond to any genuine, confirmable and secure compromise that could lower the level of military expenditures in the interest of both countries." The domestic pressures for reduction of military spending are in fact increasing. As Reston put it, "if there is no agreement on a SALT II treaty, the arms race will go on at ever increasing cost. And the higher it goes, the harder it will be for Washington to control the inflation, to protect the dollar, or to meet the other, more immediate, demands for aid to bring about a peaceful settlement in the Middle East and elsewhere." Reston correctly noted that Republicans held that a sound economy and prosperous America were the best defense against foreign threats. But inflation, based in a high degree on military spending, is destroying the value of the dollar and with it the authority and prestige of the United States abroad. Agreement to reduce military expenditures may be the last hope for a sound dollar.

The Federal Election Act is beginning to be subjected to major criticism by the *New York Times* and *Washington Post*. Anthony Lewis speaks of the "Rise of the Plutocracy," (Nov. 3) and notes that a wealthy candidate, with his constitutional right to free speech, can far outspend poorer candidates who are now prohibited by law from getting other people to contribute whatever amounts they choose to their campaigns. A *Washington Post* editorial (Nov. 7) offered one solution: deregulation. It suggested:

> lift controls on political giving and leave judgments on excesses mainly to the voters at the polls. This, too, involves large risks, especially with campaign costs so high and voter participation often so low. Some congressman would no doubt continue to be bought or rented by various interests: some candidates would no doubt be swamped by lavishly financed campaigns. Yet this course does accord more with the First Amendment. It acknowledges that open competition among interest, "special" and "public", is a staple of democracy. It vests more faith in the public—and grants less automatic influence to money—than the course that assumes too much free enterprise will stifle politics.

"The voters have, in effect, rejected the two parties as not representing them in any way. The outcome of any election depends on which party is less in disrepute."

Finally, the GOP conservative loss in California, combined with the spectacular showing of almost 400,000 votes by the Libertarian Party candidate, Ed Clark, will have a marked effect on politics and the nation. Although a GOP moderate narrowly lost the governorship in 1974, the conservative (socially but not fiscally, since the GOP candidate did not support Prop. 13) GOP will decline as a force while the Libertarian party of California will clear the path for important political status for the national LP. The role of the Libertarian party will increase in importance as the Republican party concentrates on trying to hold on to its existing seats by political manipulation and abandoning the issues such as tax slashing to the Libertarians. At the same time, the Libertarians will be able to attract many Democrats who are disgusted with social welfare measures and increased taxes and bureaucracy, but are not attracted in the least by the GOP's cold war opposition to detente and advocacy of the politics of social and moral controls. ❑

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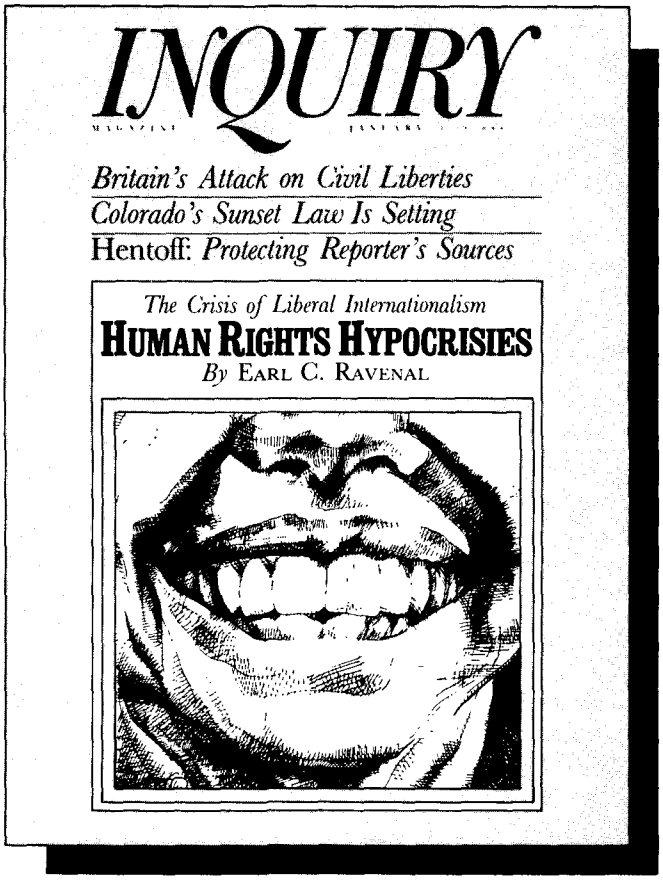

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BOOKS AND THE ARTS

Literacy and loss of nerve

DIANE DIVOKY

The Literacy Hoax: The Decline of Reading, Writing, and Learning in the Public Schools and What We Can Do About It, *by Paul Copperman, William Morrow and Company, 323pp., $10.95*

Author Paul Copperman is an extremely irritating young man. That's not the main message his book is supposed to convey, but there it is. Although *The Literacy Hoax* **is supposed to be about the rapid decline of literacy and academic achievement in the schools and the way to fix it all up, it is, much more than most such polemical studies, about the author. He does not represent** his cause well.

He's like one of those kids from your own high school days whom everyone hated, and with reason. The kind of braggy, stuffy kid who was an embarrassment not so much because of the tight-assed way he had of showing off, but because the insecurity underneath was so painfully apparent. Lots of talk about "my friend, the expert," my institute, my research assistant. Paragraphs littered with totally gratuitous "I"s. Examples and stories, but a coy refusal to name names or places. Hyperbolic announcements and overwrought language where a little understatement would have served nicely.

But what you probably didn't know back in high school was that the awful wimp was just as irritating to the good teacher. Not because be wasn't dutiful, diligent, ambitious, able to pick up the basic skills. Oh, no. He always got his homework assignments in on time, and even did special projects for extra credit. But finally, for all his persistence, and willingness, and ability to compile lists and memorize, he didn't get it. He couldn't make the connections between facts, see that ideas are supple, step back to gain a perspective, make sense of the world. He could read and write and punctuate and spell, but finally it didn't come together in that still ineffable process called thinking, which is the point of all of schooling.

That's finally the sense one gets about Copperman and his book. Yes, he's checked out all the studies and talked to all the right people to verify what we all know: test scores are down, except among young children. This is one indication of a more serious drop in academic achievement, a failure of students as they enter the higher grades to gain the complex learning skills that make for sophisticated thinking, or to acquire the body of knowledge that follows from such skills. Yes, violence and disrespect are up in the schools, and respect for authority and rigorous work are down. Yes, we're spending a fortune for every kind of cute and trendy program for the schools without getting any noticeable return on our tax dollar.

Copperman comes armed with all the statistics and reports to prove these obvious points. Often he leans on shaky stuff to make his points, and he makes them over and over again *ad nauseum*. For example, he uses a recent and thoroughly discredited study by Abt Associates that compared various models of compensatory education, along with Neville Bennett's highly impressionistic comparisons of the styles of British teachers, to write off "open education," something Copperman sees as a neatly-boxed educational program. One of the "two studies" on which he builds his case that inner-city children can be successfully taught in the current school systems is a Michigan cost analysis report; the other is an optimistic little pamphlet written by George Weber of the Council for Basic Education back in 1971 describing four urban schools with reading scores that were not disastrous. (One of the four, a Los Angeles school, was already sliding back into chaos the following year when this reviewer visited it.)

But Copperman doesn't need his overstatements or simplifications or strained language to tell us about the state of the schools. They *are* in big trouble, not just in the cities but in the nice places. Anyone who's been reading the papers knows that. What the reader wants the author to do is make some sense of the problem, and that he can't do. He throws it all in together: the Affluent Society (yes, he uses the capital letters); "the quality of maternal care"; "the civil-rights movement" (yes, he hyphenates it); "counter-culture institutions" that foster hedonism; blue jeans on teachers; "Values Clarification;" Quaaludes and heroin; "murder, rape, robbery, and burglary" in schools; juvenile gangs; bilingual education; the *Serrano* decision on education financing; the *Tinker* decision on symbolic speech; the Children's Defense Fund; student absenteeism; television; Dr. Benjamin Spock's "permissiveness"; criterion-referenced tests; parent aides; compensatory education; individualized reading systems; grade inflation; open admissions policies; black English; elective courses in feminism and science fiction; flexible scheduling; the readability level of textbooks; the Vietnam war. But once having concocted this pottage, he can't begin to grapple with which are causes and which are effects, how various pheno mena connect, what patterns underlie the loss of confidence and quality in the schools.

"At 31 years of age," Copperman's publisher says of him, "he is a child of the very educational system that he is criticizing." That educational system, as demonstrated by Christopher Jencks in a recent article in *Working Papers*, is one which still can teach truly basic skills: the mechanics of reading, spell-

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ing, punctuation, and computation. Basic literacy has, in fact, improved on most standardized tests. Scores begin to fall behind only after fourth or fifth grade, when students must begin to master the more complex skills of making inferences and writing coherently, and to use these more sophisticated skills in reading widely and making sense of their own experience.

This is exactly where Copperman falls down. He sees the antiwar movement and the popularity of television and classroom fads and permissive attitudes as simply disparate pieces of bad luck that just happened to hit the schools. He has no feel for the history of American education, the traditional unspoken contract between community and school, the kinds of cultural accommodations that used to make schools work. As Jencks points out, teachers—as colonial administrators—have always made accommodations to keep the natives happy. Before the sixties, "bread and circuses" were often used, but underlying these accommodations was a basic shared assumption that there were bodies of knowledge worth teaching and worth learning.

This is not to say that all the Miss Grundys (Copperman's name for good old-fashioned teachers) were scholars or people filled with enthusiasm for the joys of learning. Some Miss Grundys (and this reviewer was lucky enough to have more than her share) truly did love Jane Austen's novels or Latin figures of speech or geometry. Most didn't, but they did at least have a firm —if unexamined—commitment that somehow it was important to pass certain pieces of knowledge on to the next generation, even if it meant squeezing all the passion out of poetry or the lively mental play out of numbers.

But in the sixties a number of things happened. The kids were going to school in a world were a lot of eternal truths—America fights in just wars, the President can be trusted, adults know what they're doing—were being unmasked as frauds. If the rhetoric about government and the good life was hollow, maybe the courses that seemed boring and pointless really were boring and pointless. And for the first time, a lot of people students had been trained to respect—people who taught at universities and wrote books and had credentials—were backing up the students' claims about the vacuity of school.

When the students asked for "relevance" and honesty, the school people did what they'd always done. They tried, within limits, to give the kids what they wanted. But since most of the Miss Grundys didn't really believe in their souls that Shakespeare could be relevant or civics pleasurable, they abandoned them totally in favor of what was a sure bet to amuse or excite. I recall in 1970 sitting as a consultant at a National Council of Teachers of English seminar on making literature relevant for high school students. The talk was about replacing Milton and Donne with the lyrics of the Beatles, the lyrics of Simon and Garfunkel, hell, the lyrics of the Monkees. There was talk about light shows and psychedelic experiences. When I asked if there was anyone present who loved the novels of Thomas Hardy and believed enough in their importance in English literature that he would risk teaching them in the face of student opposition, there was silence.

These teachers had taught *Silas Marner* and *Moby Dick* without ever establishing their own standards. Now, they were willing to replace what they saw as a tedious set of staples with a sexier set. Out with *Silas Marner;* in with Bob Dylan. Out with diagramming sentences; in with "Magic Circle" sessions. If one didn't know (or care) that one piece of literature had more value than another, it didn't matter what one taught.

Copperman has no sense of this failure of nerve, as his ideas for turning the schools around suggest. He calls—without any consciousness of the cultural or political realities—for a massive public relations campaign as a

LESLEE J. NEWMAN

Learning to read at the Park School of Oakland, California . . .

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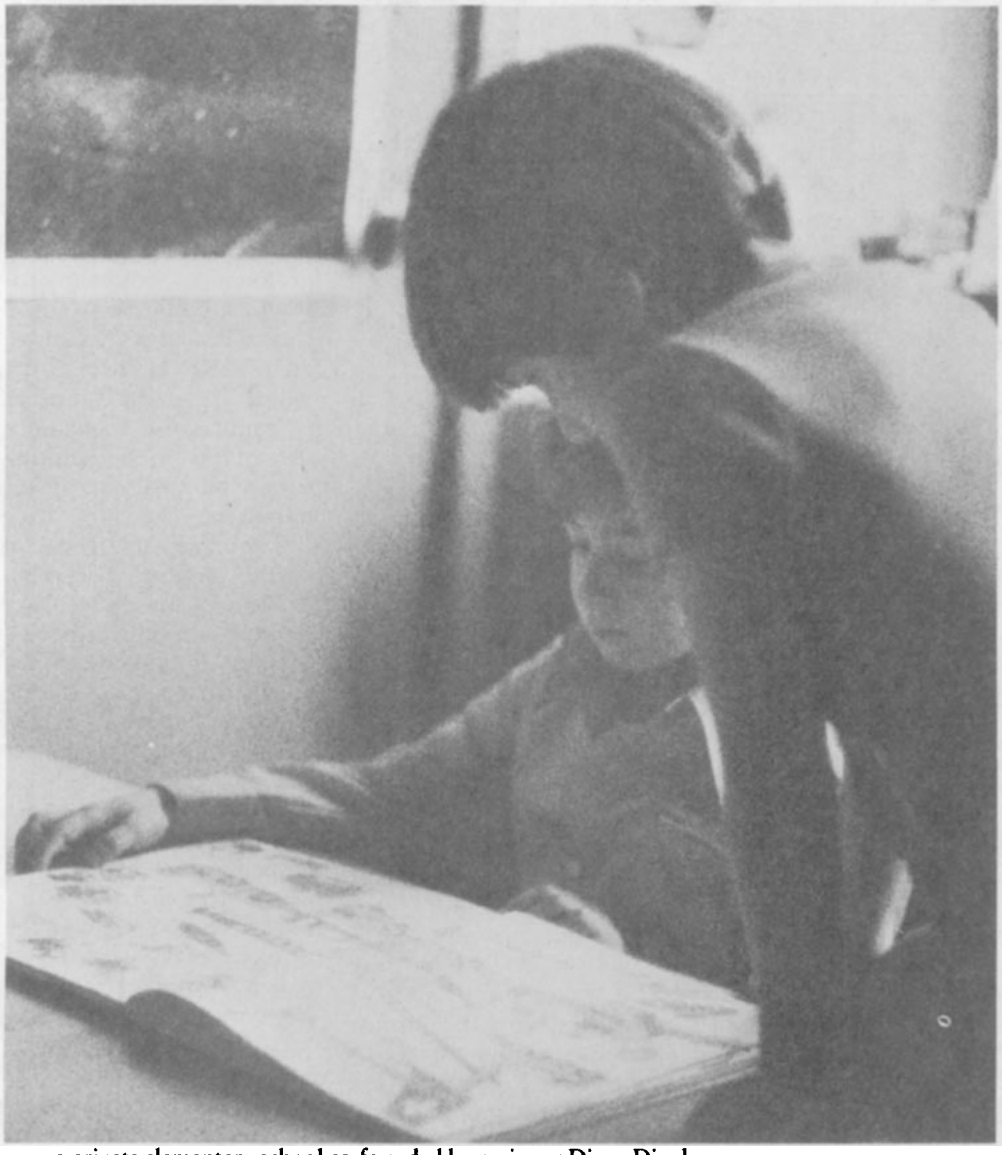
starter, then better teachers, better principals, and stronger and more independent local school boards (a particularly amusing suggestion in California, where Proposition 13 has summarily eliminated any vestiges of local control). He also urges the elimination of state and federal bureaucratic intervention in the schools, and pleads for the end of due process and any other legally-won rights for students. He also supports some already popular movements in education: courses in "parent training," proficiency testing for the attainment of a high school diploma, and the "fundamental" alternative schools existing within the public sector.

But none of this gets at underlying causes, which Copperman fails to discern. A good teacher is not just one who can impart the mechanics of reading. A good teacher, finally, must —as Jencks points out— convince students

that knowledge is really worth acquiring and that systematic rigorous thought is superior to intuition . . . For this to happen, teachers must themselves believe in the value of careful thought, reasoned argument, and systematic evidence. They must reject the kind of mindless relativism that assumes one idea is as good as another if the advocates on both sides are equally committed to their positions. They must also value knowledge and experience, and must convey to students that a large vocabulary is better than a small one, that *War and Peace* tells us more about life than *Love Story,* that astronomy is a monument to human imagination while astrology is a fraud.

Twenty years ago teachers who had never read *War and Peace* or delighted in a problem of logic could still turn for their authority to an external framework of legitimacy. Now, left to their own resources and commitment, many seem as confused and mindless as the Paul Coppermans they've recently produced.



. . . a private elementary school co-founded by reviewer Diane Divoky.

Diane Divoky is a staff writer for *Learning* magazine and a contributing editor of *Inquiry.* Her books include *How Old Will You Be in 1984?,* an anthology drawn from the "underground" high school newspapers of the 1960s, and *The Myth of the Hyperactive Child,* written with her husband, Peter Schrag.

Utopia in 1984

JOSEPH R. PEDEN

The Napoleon of Notting Hill, *by G.K. Chesterton. Paulist Press, $3.95 paper.*

THE REPUBLICATION of a novel seventy-four years after its first appearance suggests that it may either have fallen into the hands of the academicians, who find its obscurity grist for their scholarly mills, or it may well be on its way to becoming a perennial popular favorite, a genuine classic work of imagination. Although Chesterton died forty years ago, no less than 18 of his works remain in print in some thirty editions. Yet he can still not be said to have attracted the attention of the academic establishment. He was too much of an outsider even in his own lifetime to win such favor. He was considered a notorious eccentric of the wrong kind. He was deeply Christian in a pagan intellectual world. He was anti-imperialist in the heyday of British imperial sway. He loved city life in an age when architects and social planners were trying to create "garden cities" and suburbanize townsmen. He boldly attacked both socialism and corporate liberal capitalism as inimical to the freedom and dignity of the human person. He was a populist who put his faith in the cunning intelligence of the humble man, rather than in the detached brilliance of the technocratic elites. He was a natural democrat who found mass man absurd and terrifying.

The Napoleon of Notting Hill is a fantasy. It is about the rise and fall of a utopia. It is very serious and wildly humorous. It is a spirited reply to the scientific and socialist utopias of H.G. Wells and G.B. Shaw. It is set eighty years in the future, in the year 1984 to be precise. And, contrary to what might

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be expected, Chesterton assures us, London is almost exactly as what it was eighty years earlier. How can this be? Because the people have cheated the prophets of the twentieth century!

But if the scenery of London is much the same, with gaslights and hansom cabs, horses and motor cars juggling through its foggy streets, modern man has become even duller than his Victorian predecessor. Dull in clothing, dull in spirit, dull in imagination, dull in wit, dull even in vice. "Rationality" has conquered all. Lack of passion, wit, or ambition has all but eliminated the unexpected from the daily pattern of life. "Rationality," and the preeminence of "the public interest" in dictating all choices for action, have become so routine that Parliament has withered away, leaving public affairs to the bureaucrats. Exceptional decisions are now made solely by the King, and he is selected like a juryman, by rotation from a census listing. The babble of the press has died out for want of conflicting viewpoints. Only the *Court Journal* has survived to publish royal decrees.

G.K. Chesterton

Into this spiritless, smug, dispassionate, colorless, orderly world comes the unexpected—the election by chance of one Auberon Quin as King of England. Quin is a freak, an eccentric, even possibly a madman. He is driven in all circumstances to see the humor in everything around him. He is incapable, after a chance vision, of ever being serious again about anything except playing jokes on his sober, serious, dull, but beloved fellow humans. When he has been raised to royal estate, his friends plead with him to be serious, to "respect the public interest," and subordinate his frivolity to its needs. Quin (and Chesterton) lashes back angrily:

"Did Herbert Spencer ever convince you—did he ever convince anybody—did he ever for one mad moment convince himself—that it must be to the interest of the individual to feel a public spirit? . . . Herbert Spencer refrained from theft for the same reason that he refrained from wearing feathers in his hair, because he was an English gentleman with different tastes. He liked philosophy. I like art. He liked writing ten books on the nature of human society. I like to see the Lord Chamberlain walk in front of me with a piece of paper pinned to his coat-tails. It is my humour. Are you answered? At any rate I have spoken my last serious word today, and my last serious word I trust for the remainder of my life in this Paradise of Fools."

In pursuing his own individualistic humour, Quin chances to meet a boy, Adam Wayne, who is playing King of the Hill, in this case on Notting Hill, a neighborhood not too far from his royal palace at Kensington. Admiring the child's stalwart defense of his turf, the King is inspired to issue a Charter of Liberties, restoring to the old neighborhoods of London their municipal freedoms as in the middle ages, with self government under their own Provosts, with walls, gates and a militia, colorful uniforms, heraldic ensigns and coats of arms, and a distinctive "gathering cry." The nuisance of medieval gowns, chivalric ceremony, and outlandishly colorful garb and decorations annoys or amuses the King's subjects, but so long as it is not taken too seriously, it is tolerable.

But in time, one of the provosts, the now adult Adam Wayne of Notting Hill, takes the Charter of Liberties with the utmost seriousness, and inspires his Notting Hill people to defend their liberty against the encroachment of a modern motor expressway which threatens to destroy the integrity of their municipal republic. The sheer irrationality of their resistance to the "public interest" revolutionizes the whole society, lifting it beyond its traditional passivity in the face of rationality, science, and utilitarianism. The great war between the League of Cities and Notting Hill, the transformation of all by the "terrible beauty" of the resort to the sword, and the ultimate justification of it all—like Athens and Nazareth, Notting Hill changes the ways of the world—all these are wonderfully worked out in the rest of the novel.

Chesterton's re-creation of a medieval social atmosphere serves to express his profound individualism, his belief that men are truly human only when passionately feeling themselves vitally committed to some great ideal, prepared to die for it if necessary—irrational perhaps but necessary to affirm their true nature. The triumph of the human spirit, which is at the same time profoundly serious and profoundly humorous, is his theme. Laughter and love are the twin essences of the whole Man, who will never succumb to the deadly dullness of the rational scientistic social order of other utopians.

The remarkable reception of the fantasies of J.R.R. Tolkien by American youth underlines the correctness of Chesterton's optimism. Indeed, Tolkien, also a deeply Christian fantasist, has taken Chesterton's literary device of a restored medieval world to delve even more deeply into the realm of the human spirit. Just as Tolkien's Frodo lives, Chesterton ends his fantasy with the unexpected survival of Adam Wayne and the enduring spirit of Notting Hill, a legacy of hope and inspiration for our darkish times.

Chesterton's brilliant literary style, his sense of the paradoxical closeness of the sublime and ridiculous, his fertile imagination, and the clear impact of his fantasy on such writers as C.S. Lewis and J.R.R. Tolkien, and of his social ideas on E.F. Schumacher and Ivan Illich, make this classic novel worthy of our acquaintance.

Joseph R. Peden is presently on sabbatical leave from Baruch College of the City University of New York, where he teaches history.

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SF, science, and capitalism

KARREN EDWARDS

Future Perfect: American Science Fiction of the Nineteenth Century (Revised Edition), *by H. Bruce Franklin. Oxford University Press, 404 pp., $4.95 pb*

WHEN H. BRUCE Franklin published the first edition of *Future Perfect* in 1966, he was working in an almost unexplored field, the critical examination of science fiction as literature. Except for Kingsley Amis's *New Maps of Hell* and several volumes of the scholarly journal *Extrapolation*, writings about science fiction were largely limited to biographical studies and a few histories. But by 1978, when Franklin published his revised second edition of *Future Perfect*, literally bookshelves full of critical examinations of science fiction had appeared, high schools and colleges had begun offering courses in science fiction, and theme-related anthologies of science fiction short stores with critical prefaces had become commonplace. In addition, between 1966 and 1978, readers have witnessed the publication of much science fiction which is unquestionably literature: Samuel R. Delany's *Dhalgren*, Ursula Le Guin's *The Dispossessed*, Roger Zelazny's *Lord of Light*, Frederick Pohl's *Gateway*—the list is lengthy. How has Franklin's book fared in this expanded competition?

Karren Edwards has taught courses in science fiction as literature at both the high school and college level. She is currently doing graduate work at the University of Houston.

Franklin has undertaken a most ambitious project in his book, by attempting to prove two large and unique hypotheses: that science fiction is "somewhere near the center of nineteenth-century American literature," and that it "provide[s] insights into nineteenth-century America, into the history of science and its relations to society, into the significance of fiction itself, and into the predictions, expectations, and fantasies of the present."

It may reasonably be doubted whether Franklin actually manages to examine all these insights in sufficient detail in *Future Perfect*, but certain of them he discusses persuasively and at length. Why should it never have occurred to anyone before that it is science fiction which dealt most directly and, after its own fashion, most realistically, with the principal fact of nineteenth-century American life?—that is, the industrial revolution and the heyday of (relatively) free market capitalism? The emotionless man of science, the marvellous invention, the development of automation —all these ideas appear again and again in the fiction of all the "major" nineteenth-century American writers: Hawthorne, Poe, Melville, Twain. Now forgotten writers like Frederick Jessup Stimson (1855-1943) fictionalized the common nineteenth-century notion that capitalism would usher in the millennium. And turn of the century writers like Jack London lent artistic form to the then newly current idea that capitalism must eventually give way to a workers' state.

Franklin describes London as "virtually obsessed with a sense of himself as a proletarian intellectual, rejected and disdained by the rulers of American society, out to prove that he is even more intelligent than the capitalist class that regards him as a mere beast of labor." He notes that "several of London's science-fiction works deal with the struggle between the capitalist class, trying to establish a fascist oligarchy, and the proletariat, striving for socialism." At the same time, Franklin notes, there is the elitist London, with his "self-avowed destiny as a Nietzchean 'blond beast'" and his streak of "blatant racism". Altogether, he writes, like many intellectuals in that period of political and intellectual ferment, London espoused "an uneasy amalgamation of the most contradictory social and scientific ideas."

Franklin is no impartial observer of social ideas, of course. He was fired from a tenured position in the Stanford University Department of English during the 1960s because of his ultra leftwing stance on the war and his activities as a champion of campus militants. He reveals in his brief discussion of Ursula K. LeGuin that he considers "anarchism" merely another name for "non-authoritarian communism." *The Dispossessed*, he explains, is "a utopia based on anarchism" which "challenges thinly veiled caricatures of a capitalist American dictatorship and a bureaucratic Soviet dictatorship, all as part of . . . [an] epic of emerging comradeship among the peoples of the inhabited worlds of the universe."

Franklin is not only a communist; he's also something of an optimist. In the original edition of *Future Perfect*, he suggested that the dominant vision of American science fiction had been ecstatic rather than apocalyptic, had reflected a predominant American confidence in the power of technology and the free market to remake the world. But he also saw a trend toward pessimism in post-World War II science fiction: "Since the European and American empires, long ruling the world through their vast technological superiority, [are disintegrating] before mighty forces, fiction in the capitalist world has become a primary form of the doomsday imagination."

In the new edition, which includes discussion of the science fiction of the late 1960s and early 1970s, Franklin sees a return to greater optimism in the genre. And he sees the genre itself as having reclaimed its birthright as "the principal non-realistic imaginative mode of our historical epoch."

But *Future Perfect* is an anthology of short stories, not a critical treatise. It brings together representative science fiction by Hawthorne, Poe, Melville, London, Ambrose Bierce, Edward Bellamy, Washington Irving, and Mark Twain, along with works by lesser-known authors, such as "The Monarch of Dreams" by Thomas Wentworth Higginson and the memorable "The Diamond Lens" by Fitz-James O'Brien. Franklin has deleted one story and added two for the new revised edition, replacing "Was He Dead?" by Silas W. Mitchell, a verbose and slow-moving work, with Jack London's "A Thousand Deaths"—a much better story, for all that it serves rather poorly to illustrate Franklin's aforementioned concept of London as a confused polemicist or contradictory ideas. The second new story is "Men of the Moon" by Washington Irving, whose classic "Rip Van Winkle" Franklin calls the archetypal time travel story.

Consistent with his belief that science fiction is indisputably a serious literary genre, Franklin sub-

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jects each of these stories to close critical examination. His explication of the sexual symbolism in the writing of Melville, although certainly not unique *per se*, is a milestone in the discussion of Melville's science fiction. His preface to each author also includes relevant biographical material and information about the philosophical and psychological characters of the authors.

Oddly, in the midst of all this scholarship, there is no bibliography. And this is unfortunate not only for the scholar, but for the general reader as well. The stories Franklin has chosen whet the reader's appetite for more of the same from the same era. But story sources are cited only by author and title, and with such limited information they would be difficult for the average reader to locate. In addition, in his sections of prefatory comment, Franklin offers numerous tantalizing titles and descriptions of works by a great variety of nineteenth-century authors. While limitations of space obviously preclude the inclusion of these selections, bibliographical information would make them more readily available to the reader who, through reading this extremely informative and entertaining volume, has decided to read further.

On the whole, Franklin has selected and edited a remarkably complete cross-section of nineteenth-century American science fiction. His comments are insightful and thought-provoking. And the persuasiveness of his argument that science fiction is in the mainstream of American literature is enough alone to make *Future Perfect* an essential work for any serious reader of the genre. As Franklin puts it, America is an especially fertile ground for science fiction, "because it is a nation that originated in conquest by alien beings who voyaged here from another world."

Sherlock Holmes teaches economics

MARSHALL E. SCHWARTZ

Murder at the Margin, *by Marshall Jevons. Thomas Horton and Daughters, 168 pp., $7.95.*

MILTON FRIEDMAN AS the hero of a detective novel? Well, after murder mysteries featuring a priest (G.K. Chesterton's Father Brown), a rabbi (Harry Kemmelman's Rabbi David Small), an orchid-raising gourmet (Rex Stout's Nero Wolfe), and a spinster (Agatha Christie's Miss Marple), why not an economics professor?

The concept becomes even more delightful for a libertarian when you discover that the hero is a true believer in the free market—he even makes a special visit to a public market during his Virgin Islands vacation just "to observe firsthand the market behavior." We are presented with concise discussions of such esoterica as Say's Law, arbitrage, and the economic explanation of the Prisoner's Dilemma. And, as expected, the professor solves both murders through the application of basic principles of economic behavior.

Top all this off with the fact that Professor Henry Spearman of Harvard is even a physical duplicate of Milton Friedman of Chicago and you can't doubt that author Marshall Jevons has come up with a marvelous idea.

It's just too bad Jevons the mystery writer isn't even half as good as Jevons the econ-

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omist (past or present).

Yes, *Murder at the Margin* has some lovely touches, like Spearman's economic definition of love as "interdependent utility functions." And the author has chosen an exotic tropical setting for his book which he seems to know as well as we know our bedrooms. The trouble is that Jevons seems to know a lot more about St. Thomas and about economics than about what makes a detective novel work: people and plot. As a result, the background is almost overdrawn, too detailed, while the characters—with only the partial exception of Spearman himself—are barely one-dimensional caricatures. And the plot suffers from two major defects: First, although sufficient clues are strewn among the red herrings to give a keen observer a chance to figure out who did it, we are given not a clue to the motive until after the murderers are revealed. Second, any connoisseur of detective-adventure tales cringes at cop-outs whereby the hero is saved through an act of nature. What makes it almost treasonous in this instance is that the agent that delivers Spearman from death at the hands of one of the murderers is a collectivist horde—an army of red ants!

Jevons populates his tale with heavy-handed stereotypes: an egotistic, arch-conservative Supreme Court justice from the Midwest; a ramrod, spit-and-polish, retired general; a pair of militant black nationalists; the usual semi-competent local cop; a young, know-it-all heir who continually makes an ass of himself; and a pop theologian, also from Harvard, expostulating grandly on his theories of "contextual morality."

If you take *Murder at the Margin* not as a detective novel, but as an offbeat introduction to laissez-faire economics, the book does have something to offer. To a libertarian, it has to be gratifying to read a passage like the following one in a work of fiction:

The thought struck Spearman that the proverbial visitor from Mars, if told that our world was divided into two kinds of economies, unplanned and centrally planned, would doubtless have thought the Cruz Bay dock represented remarkable planning. Every item seemed to be matched with someone who wanted it. And yet the neat meshing of wants with goods was brought about entirely through the operation of what Adam Smith had dubbed that "simple and obvious system of natural liberty." It was one of the paradoxes of economic theory, and, Spearman believed, one of its greatest discoveries, that the most orderly economies were the least planned.

Unfortunately, Jevons's analysis of people does not display such clarity.

One final note: The only blurb on the dust jacket comes from economist Paul Samuelson, who observes, "At last a new kind of mastermind—a national 'homo-economicus' and libertarian. If Henry Spearman had not existed, God would have had to invent him. Marshall Jevons did, to his readers' benefit." Evidently, Samuelson's analysis of detective fiction is on a par with his economic analysis.

"Milton Friedman as the hero of a detective novel?"

Marshall Schwartz is a freelance journalist in San Francisco.

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On View

"Ships" up—"Rings" watered down

CHUCK WALSH

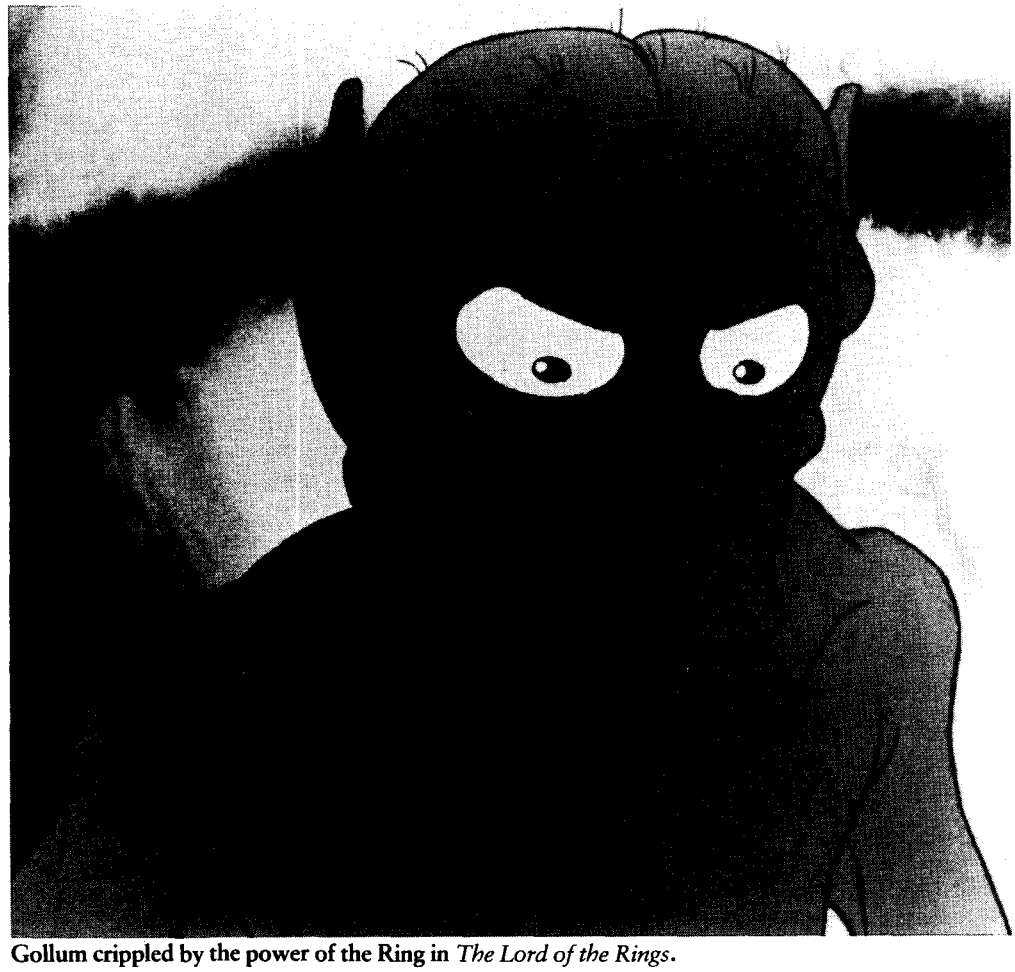
AN ARGUMENT, HOWever flimsy, can probably be made in favor of animation as the ideal form for peddling a political point of view at the movies. Polemicizing is somehow more tolerable to most when mouthed by the likes of Elmer Fudd or Daffy Duck. The satirical genius of Jonathan Swift was made acceptable to a much larger public by animated hordes of miniscule Lilliputians climbing all over poor Gulliver. Disney's *Bambi* may have been the film that got such a hammerlock on the psyches of pre-pubescent environmentalists that it ultimately spawned the Sierra Clubs of the world. Many have argued that Lewis Carroll's Alice and her hallucinogenic adventures in Wonderland, once they appeared on the screen, had a profound influence on the nation's youth, even contributing to traffic in "dangerous drugs." If so, then most of today's FAA and CAB regulations can unquestionably be traced to the erratic flight patterns of *Dumbo*. And anyone so dense as to miss the conspicuous parallel between Watergate and *Pinocchio* is due for a cartoon feature refresher course: The *Three Little Pigs* made a strong statement in favor of the "work ethic"; *Tramp* and his *Lady* made a pitch for egalitarianism; *Papa Bear* was a confirmed fascist; *Snow White* and *Cinderella* were sexists; . . . . and all's up to date, if not "well", with the world.

The above inventory of absolute nonsense, seems, unfortunately, to have some subscribers, and this eagerness on the part of animated movie audiences to con themselves, may, in part, explain the current renaissance of animation in films, and the coincidental, but not accidental, release of two of them, almost simultaneously.

The evolution has been an odd one. Uncomplicated animated features were once created to entertain kids (and adults with equally uncomplicated tastes). But as animation grew progressively more expensive to produce, its audience grew smaller; and eventually animated features virtually disappeared from the screen. Then a new generation rediscovered the old stuff, yanked it out of the archives and re-released it. "Get stoned and see *Fantasia*" practically became a rallying cry. All the spastic little animals and dwarves were exhumed, and their escapades were endowed with new meaning. Suddenly there was again a market for tiny, prancing fantasy figures. If movie goers were prepared to fall in love with 30 year old Disney pictures, and to bestow on them a social significance they were never meant to possess, then there were bound to be aspiring new film animators hovering in the wings, ready to crank out batches of contemporary, colorful, and often "off-color," animated facsimiles laden with the kind of superficial social commentary that seemed to be so much in demand. Ralph Bakshi got the trend rolling about 6 years ago with the first of his "X" and "R" rated *Fritz the Cat* series, and now he has, at last, worked his way to the "big-time" with a high-budget spectacular—an epic version of selected segments from J.R.R. Tolkien's classic trilogy, *The Lord Of The Rings*.

Bakshi has, for the first time, been forced to finally deal with source material which actually has something to say, but he and his collaborators apparently became so engrossed in pioneering revolutionary new animation technology, combining live-action and art work, that they lost sight of their objectives. (Actually the technology itself is not revolutionary, but at least forty years old; what Bakshi pioneers is its use. He uses his old techniques more elaborately and more extensively than ever before, and the result is a motion picture unlike any which has preceded it.) In *Lord Of The Rings* we are bewildered by flashy sight and sound and left in a state of confusion.

And this is unfortunate, because Tolkien's original story, though complex in the number of characters and the intricacies of its plot, is essentially simple: The world of Middle Earth enjoys peace and liberty until an evil despot named Sauron arises in the East and re-establishes his kingdom in the land of Mordor. an almost uninhabitable waste ringed by volcanoes. The only thing which prevents Sauron from ex-



Gollum crippled by the power of the Ring in *The Lord of the Rings*.

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tending his dominion over all of Middle Earth is the absence from his realm of the Ring of Power, which he lost during an earlier war with the forces of good. Through a complicated chain of circumstances, this Ring comes into the possession of Frodo Baggins, a Hobbit (which means, roughly, a little man with furry feet who lives in a hole in the ground) from a part of Middle Earth called the Shire (which strongly resembles a sentimental, pastoral portrait of England). Frodo sets out, with a band of companions—hobbits, elves, dwarves, men, and a wizard named Gandalf—to save Middle Earth by destroying the Ring in the only way possible: by returning it to the volcanic fire in which it was originally forged. Sauron, of course, seeks to abort this mission. He dispatches his agents—orcs, Black Riders, and an evil wizard named Saruman—to intercept Frodo and his friends and retrieve the Ring.

Tolkien stretched this story over three hefty volumes (four if you count *The Hobbit,* whose story is retold in four pages of the prologue to the first volume of *The Lord of the Rings*). Bakshi calls his animated adaptation "Part I" (everywhere but in the advertising), but he leaves out much from the first volume of the trilogy, and includes much from the second volume, like the oldest living things in Middle Earth, the slowmoving rootless treefolk called the Ents. The Great War of the Ring is recreated on film in all its bloody majesty. The Ring itself still provides mastery over all living things, but its evil inevitably corrupts all who attempt to use it. The analogies which have enthralled readers of every political persuasion remain as ominous as ever, but in the picture, become obfuscated by the fancy footwork of Bakshi's startling animation techniques. Commentary on the corruption of power becomes secondary, and at times vanishes entirely, in a garish cinematic "light-show."

The filmmakers do manage at times to inspire fear for the safety of hapless little Frodo and his comrades. We hope their quest will prove successful, and that the magic ring with the spell will be returned to the fire from whence it came. We root for the spunky little fellows who are pursued by all manner of diabolical forces trying to "do them in". It's exactly the kind of menace Ralph Bakshi is best at creating. But even in the original novel form, *Lord of the Rings* wasn't the easiest story to follow. Now, on the screen, the Tolkien adventures in Middle Earth have been transformed into a convoluted, disjointed, incomprehensible mish-mosh. The movie, while technically impressive, is, sadly, devoid of all the whimsy, charm and character that has, for decades, endeared the "Fellowship" tales to millions of readers.

The other anthropomorphic fiction to make its way to the screen for the holidays is far and away the better of the two. Like *Lord of the Rings,* Richard Adams's allegorical tale of migrating bunny rabbits, *Watership Down,* chronicles an epic journey. But, *un*like *Rings, Watership* survives beautifully the transition from printed page to film.

Less dramatic in scope and visual razzle-dazzle, *Watership Down* has the good sense to concentrate on fundamentals such as character development, story line, structure, talented voices to speak the roles—all those things that, ideally, go unnoticed, but if handled properly, do what is most important: sustain an audience's interest. And, if there happens to be (as there is in this case) the collateral advantage of making us think, then so much the better.

Should anyone past the age of 12 be unfamiliar with *Watership Down,* the story is another simple one, about a warren of British rabbits driven from their cozy holes in the ground by the encroachment of man and his bulldozing onslaught of housing developments. *Watership* is a tale of flight, dignity, violence and serenity—at once pastoral and frightening.

And the odyssey of Adams's bunnies gets its points across, all of them. "Progress and survival are constantly in conflict". That's one of them. "Independence and 'The Free Spirit', by definition, demand courage and acts of heroism to endure." That's another. *Watership Down* preaches a philosophy of survival, not so much of the "fittest", as of the "noblest".

There is a marvelous irony to this holiday season box-office battle of the animators. *The Lord Of The Rings* strives hardest and succeeds only in visually overwhelming its viewers. *Watership Down* gently tells its story, and not only succeeds, but inspires. The powerful imagery of *Lord Of The Rings* on the screen is humbled by the simple enthusiasm, sincerity and lovability of those furry little creatures from *Watership Down.*

In this animated contest of the Hobbits versus the rabbits, the rabbits definitely habit. ❑

"Unlike *The Lord of the Rings, Watership Down* survives beautifully the transition from printed page to film."

Chuck Walsh is film critic for KHJ-TV and KABC Radio in Los Angeles. His ten years in Hollywood have also included stints as film and theatre critic for KNBC-TV and KFWB Radio, and freelance assignments as film critic and film industry commentator for a number of periodicals, including *Los Angeles* magazine and *Variety*.

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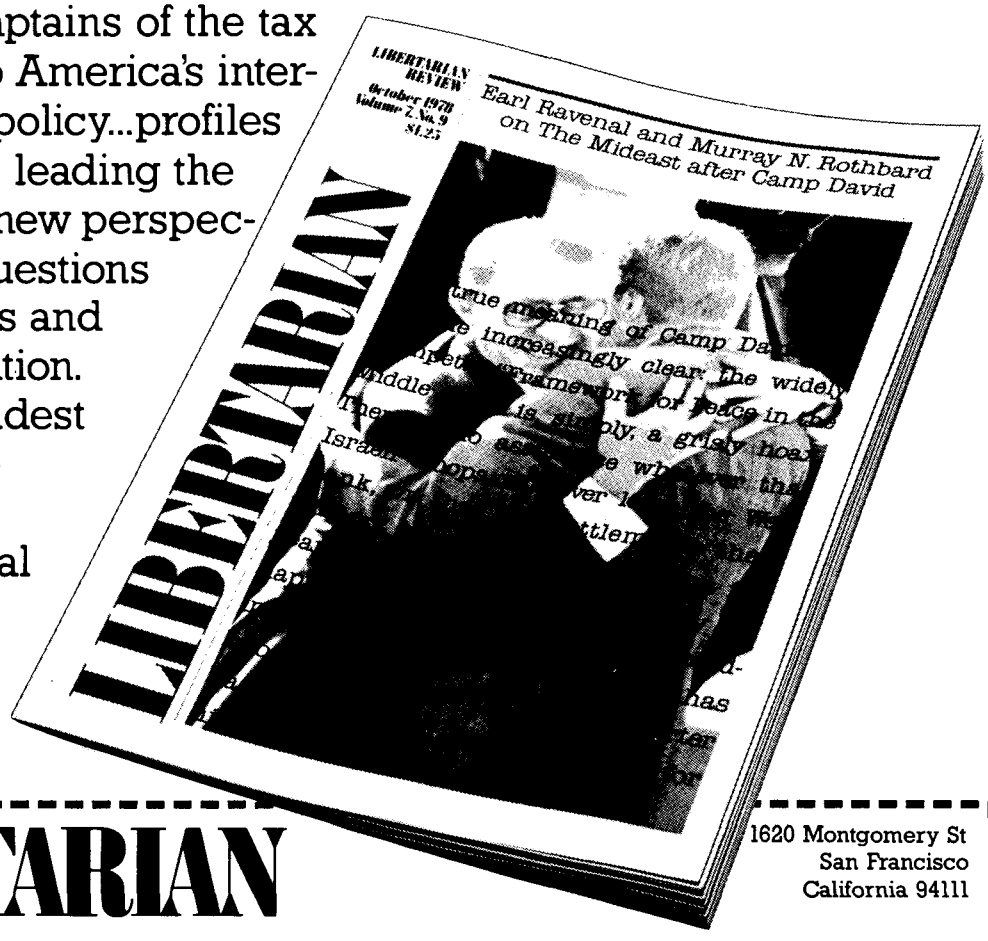

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